THE ACTS

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF *NORTH-CAROLINA*,

PASSED DURING THE SESSIONS HELD IN THE YEARS 1791, 1792, 1793 AND 1794.

NEWBERN:

FRANCOIS-X. MARTIN.

1795.

BRITISH MUSEUM

THESE ſheets contain the acts of our Legiſlature, during the ſeſſions that have intervened ſince the publication of Judge Iredell's Reviſal. With that, and the Collection of the Private Acts, which I publiſhed laſt year, they form a complete aſſemblage of all the acts, now in force, from the ſettlement of this country to this day.

The records in the office of the Secretary of State being irremoveable, and the diſtance I live from it precluding the poſſibility of recurring to them, I have thought it would ſuffice to render the acts, in this edition, literally conform to thoſe publiſhed, at the riſe of each ſeſſion, by the Public Printers.

Reference is made in the margin of moſt of the acts, to thoſe, either precedent or ſubſequent, which I thought were proper to be examined with them. I had not the acts of laſt ſeſſion, when I began to print theſe; ſo they could not be referred to. For this reaſon, and for the ſake of greater certainty, I pray that no one ſhould truſt to thoſe references alone, but that the table may in every caſe be alſo conſulted.

Theſe references are made by the year, chapter and page. Sometimes, a figure precedes the year, in order to denote the ſeſſion. The number, immediately following the year, is that of the chapter; and the next, that of the page. The public acts, paſſed before the year 1791, are referred to by the page of Judge Iredell's Reviſal, and the private ones, paſſed during the ſame period, by that of my Collection: theſe laſt are diſtinguiſhed by an aſteriſm. In all other caſes, the page of this edition is intended.

F. X. MARTIN.

Newbern, July 10th, 1795.

ACTS OF GENERAL ASSEMBLY.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the fifth day of December, in the year of our lord one thousand seven hundred and ninety one, and in the sixteenth year of the Independence of the said state; being the first session of the said Assembly.

1791.

ALEXANDER MARTIN, Esq. Governor.

CHAP. I. *An act to confirm the revisal of the laws of this state, made by James Iredell, Esquire, commissioner appointed by an act of the General Assembly, entitled, 'an act for revising and collecting the acts of the General Assembly of the State of North-Carolina.'* 1787, 4, 609.

WHEREAS the whole body of the laws of this state, to the fifteenth day of December, in the year of our lord one thousand seven hundred and ninety, have in pursuance of the above act for appointing a commissioner to revise and collect the same, been carefully compiled and revised, and the said revisal laid before both houses of this present Assembly, and approved of by the said houses:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that the said revisal of the laws of the state, made by James Iredell, together with all the acts, parts of acts, and every clause and section of them and each of them, as inserted and retained in his compilation as commissioner, and not by him expressly declared to be repealed or obsolete, or not in force, are hereby confirmed, (except so far as may be repealed, altered or amended by any law passed this present session of Assembly) and shall be held, deemed and taken to be and remain in full force, and allowed to be given in evidence, and received as such, in all the courts of law and equity within this state.

Iredell's Revisal of the laws of this state confirmed.

II. *And be it further enacted by the authority aforesaid*, that all an every act and acts, clause and clauses, section and sections of all and every act and acts of the General Assembly of the state in the said revised laws mentioned to be obsolete, expired and repealed, are hereby declared to be obsolete, expired and repealed.

All acts, &c. mentioned in the Revisal to be obsolete, &c. declared to be so.

III. *Provided always nevertheless, and it is hereby enacted*, that all and every judgment, order, decree or sentence of any court heretofore given or passed, and all and every matter or thing heretofore done and performed by any officer or officers judicial or ministerial, or by any other person or persons whatsoever, in virtue and by force of any act or acts, clause or clauses, of any act or acts of the General Assembly of this state, in the said revised laws mentioned to be obsolete, expired or repealed, shall be deemed, held and taken to be good and valid in law, to all intents and purposes, as if the said acts were continued and in full force, any thing herein before contained to the contrary, in any wise, notwithstanding.

Former proceedings on acts mentioned in the Revisal to be repealed, &c. declared valid.

IV. *And be it further enacted by the authority aforesaid*, that all the laws in the said compilation, to which the compiler hath subjoined a note doubting how far the same or any part or section thereof may be in force, be, and the same, and every part and section thereof, shall be, and the same is hereby suspended until otherwise directed by the General Assembly.

Laws in the revisal said to be doubtful, suspended.

CHAP. II. *An act to amend the revenue laws of the state.*

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that for the year seventeen hundred and ninety-two, and each succeeding year, it shall be considered a part of the duty of the sheriff of every county in the state, to collect the public taxes due from the inhabitants thereof; and every sheriff, as a compensation for his services in collecting and paying into the treasury, in due time and according to law, shall be entitled to a commission of six per centum on the nett amount of the taxes of his county, to be allowed him by way of deduction in the settlement of his accounts with the Comptroller.

Sheriffs to collect public taxes. Their allowance.

Sheriffs to collect the taxes from all individuals liable to pay taxes, whether their names are in the list of taxables or not. Their allowance. Manner of recovery, &c.

II. *And be it further enacted*, that it shall be the duty of the sheriffs to collect the public taxes from each and every individual in their counties respectively, who agreeably to the assessment acts of this state are liable to pay taxes, whether their names be contained in the lists of taxables delivered by the clerks or not and in all cases where the public taxes shall be demanded of any person whose name and taxable property are not contained in the lists furnished by the clerk, the sheriff shall be at liberty and entitled to demand and receive from each and every such person a sum equal to double the amount which he or she would have been liable to pay in case a list of his or her taxable property had been given in due time, and according to law; *provided* such failure be owing to his own neglect; the one half part of which the sheriff shall account for and pay into the public treasury, and the remainder they shall be entitled to as a reward for their trouble and services in collecting the same; and in instances where disputes shall arise as to the amount of the tax for which any person may be liable under this act, the papers and records in the clerks' offices shall be held and deemed sufficient authority on the part of the sheriffs to entitle them to enforce their demands by distraining or otherwise, in case the party hath at any time within two years then last past given a list of his or her taxable property; but in cases where no such lists have been given in, an estimation in writing, under the hands and seals of one Justice of the Peace and three freeholders, convened for that purpose by the Sheriff, shall authorise and warrant his demand to the amount of such estimation, saving nevertheless to every person the right of appeal from the determination of such Justice of the Peace and freeholders to the next county court, where the matter shall be tried and finally determined on, in a summary way during the term.

When assessors of town property have not been appointed, how to proceed.

III. *And be it further enacted*, that in case it should at any time happen, through the neglect of the county courts, that assessors of town property are not appointed, the assessment of the preceding year shall prevail and be deemed good, and the sheriff shall collect accordingly.

Sheriffs to collect tax from tavern-keepers.

IV. And whereas it often happens that tavern-keepers do not renew their licenses according to law: *Be it therefore enacted*, that henceforward any person applying to court for a tavern licence, shall be accountable to the clerk for his fees only, and it shall be the duty of every sheriff in the state, at the time of collecting the public taxes, also annually to collect and receive from each tavern keeper or other person, accustomed to retail spirituous liquors in less quantity than the quart, the sum of forty shillings current money; and all sheriffs shall at the time of their annual settlement, render unto the Comptroller on oath, a list of the names of those persons from whom they have recovered a twofold tax, together with the amount specifying whether the sums were received for lands, polls, town property, stud horses, billiard tables, or other piece of taxable property, and they shall also render at the foot of the said list, the names of all persons in their counties from whom they have collected monies for tavern licences; copies of all which lists, after charging sheriffs on the originals, the Comptroller shall send sealed up to the clerk of the county, to the end that it may be posted up in the court house thereof; and he shall also render and publish, at each annual meeting of the General Assembly, complete copies of the whole, in order that it may be known whether the public taxes are fully and properly accounted for.

To render lists to the Comptroller, &c.

Mileage allowed to Sheriffs.

V. *And be it further enacted*, that at the annual settlement of the sheriffs with the Treasurer, he shall allow and pay unto each who accounts and settles in full at the rate of six pence per mile, for every mile such sheriff shall necessarily travel in going to and returning from his office to be paid on the account of such sheriffs, filed and rendered on oath.

Sheriffs oath on settling.

VI. *And be it further enacted by the authority aforesaid*, that each and every sheriff, previous to settling his accounts, shall take and subscribe the following oath in the Comptroller's office. to wit, "I, A. B. "sheriff of the county of do, on this day of 179 make oath and declare, that the list "by me now given in, is to the best of my knowledge and belief, complete, perfect and entire, and con-"tains the full amount of all monies by me or for me received, or which ought to have been received on "account of the public taxes for the year 179 and that I have truly and faithfully endeavoured to exe-"cute and govern myself by the act of Assembly, entitled, 'An act to amend the revenue laws of this "state,' passed December, 1791, without favour, affection or partiality, to the best of my knowledge "and abilities. SO I ELP M E GOD."

Allowance to Masters in Chancery and Clerks on settling their accounts Clerks and Masters in Chancery liable for neglect.

VII. *And be it further enacted by the authority aforesaid*, that the masters in chancery and the clerks of the respective superior and county courts shall be entitled to a commission of six per cent. on the amount of the tax-fees and fines by them received, which shall be allowed on the settlement of their accounts with the comptroller to be allowed them or either of them, on his or their accounts filed on oath by the treasurer provided he shall settle and account in full.

VIII. *And be it further enacted*, that in case any of the clerks of courts in this state, whose duty it is, shall hereafter fail to make return of the amount of the taxable property in their counties to the

Comptroller, within the time and in the manner by law directed, or in case any master in chancery, or clerks of the superior or county court, shall hereafter fail to settle for and pay up the public monies which they have received and are accountable for, at least once in every year, he or they so failing or neglecting shall be considered guilty of misbehaviour in office, and shall on motion be suspended accordingly by the court or courts of which he or they shall be master in chancery, clerk or clerks; and the court shall thereupon proceed to appoint some other persons to officiate as master in chancery or clerk, as the case may be until the matter be finally determined, and all official acts of the person so appointed shall be good and valid in law. 1791.

IX. *And be it further enacted by the authority aforesaid*, that all acts and clauses of acts, which come within the purview and meaning hereof, be and the same is hereby repealed and made void. Repealing clause.

CHAP. III. *An act to continue and amend an act, entitled, 'an act directing the manner in which the real soldier or honest claimant, among those who had military accounts settled at Warrenton, in the year one thousand seven hundred and eighty-six, shall obtain certificates; and making provision for such claimants whose accounts are yet unsettled, and directing the manner in which certain certificates therein mentioned shall be received at the Treasurer's and Comptroller's office.'* 1790, 13, 700. Temporary.

CHAP. IV. *An act to amend an act, entitled, 'an act to prevent thefts and robberies by slaves, free negroes and mulattoes,' passed at Tarborough in the year one thousand seven hundred and eighty-seven; and to amend an act, passed in the year one thousand seven hundred and seventy-four, entitled, 'an act to prevent the wilful and malicious killing of slaves.'* 1787, 6, 609. 1774, 31, 274.

WHEEREAS by the before recited act, it shall not be permitted for any master or commander of a vessel to entertain any slave, free negro or mulatto on board such vessel at any time between sun-set and sun-rise, or during the Sabbath day, unless such slave, free negro, or mulatto shall belong to the vessel or shall have a pass from his, her or their master, mistress, or from some Justice of the Peace, expressing the time when, and the business for which they go on board. And whereas it appears to the General Assembly that a number of persons from other states and from foreign parts, bring goods in vessels into this state, land and store them, and harbour slaves, free negroes and mulattoes in their stores during the night and on the Sabbath days, to the great prejudice of the citizens and the honest trader: For remedy whereof,

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that from and after the passing of this act, it shall not be lawful for any merchant or trader within this state to harbour or trade with any slave, free negro or mulatto in their store houses, shops, or tenements wherein they keep goods and merchandize, at any time between sun-set and sun-rise, on the Sabbath day, without a pass from his, her or their master, mistress, or overseer, or from some Justice of the Peace, expressing the time when, and the business for which they go. Any person so offending shall be subject to the same fines and penalties, to be recovered and applied in the same manner as the fines and penalties on owners and masters of vessels in the before recited act, any law, usage or custom to the contrary notwithstanding. Not lawful to harbour or trade with slaves, &c. Penalty.

II. And whereas it is also represented to this General Assembly, that numbers of slaves, belonging to citizens of this state, pass from county to county, and to other states, and when apprehended produce a free pass or certificate signed with the name of some citizen of the place where they are owned, which it is represented are often forged, and frequently even by some other servant or slave, and as there is no law now in force in this state to prevent such pernicious practices: *Be it further enacted by the authority aforesaid*, that from and after the passing of this act, if any slave shall be guilty of producing such forged free pass or certificate, he or she so offending, shall on conviction, suffer such corporal punishment as a court shall inflict (death excepted) to be tried in the same manner as slaves are tried for other capital offences. Penalty on slaves offering forged passes.

III. And whereas by another act of Assembly passed in the year 1774, the killing a slave, however wanton, cruel and deliberate, is only punishable in the first instance by imprisonment and paying the value thereof to the owner; which distinction of criminalty between the murder of a white person and one who is equally an human creature, but merely of a different complexion, is disgraceful to humanity and degrading in the highest degree to the laws and principles of a free, christian and enlightened country: *Be it enacted by the authority aforesaid*, that if any person shall hereafter be guilty of Penalty for killing a slave.

1791.

wilfully and maliciouſly killing a ſlave, ſuch offender ſhall upon the firſt conviction thereof be adjudged guilty of murder, and ſhall ſuffer the ſame puniſhment as if he had killed a free man; any law, uſage or cuſtom to the contrary notwithſtanding. *Provided always*, that this act ſhall not extend to any perſon killing a ſlave outlawed by virtue of any act of Aſſembly of this ſtate, or to any ſlave in the act of reſiſtance to his lawful owner or maſter, or to any ſlave dying under moderate correction.

1,'79, 11, 4, 370. Pen. for enticing ſlaves to run away, or for harbouring ſuch.

IV. And whereas the preſent penalty for harbouring ſlaves is in depreciated money, and altogether inſufficient to prevent or puniſh the offence: *Be it enacted by the authority aforeſaid*, that any perſon who ſhall hereafter intice or perſuade any ſervant or ſlave to abſent him or herſelf from his or her owner's ſervice, or who ſhall harbour or maintain under any pretence whatever, any runaway ſervant or ſlave, ſhall for every ſuch offence, forfeit and pay to the owner of ſuch ſervant or ſlave the ſum of fifty pounds, to be recovered by action of debt before any juriſdiction having cognizance thereof, and be further liable to the ſaid owner in an action for damages.

Repealing clauſe

V. *And be it further enacted by the authority aforeſaid*, that all acts and clauſes of acts coming within the meaning of this act and contrary thereto, be and the ſame are hereby repealed and made void.

1785, 8, 554.

CHAP. V. *An act for raiſing a revenue for the payment of the civil liſt and contingent charges of government, for the year one thouſand ſeven hundred and ninety-two, and to repeal an act, entitled, "an additional act, "entitled, an act for raiſing a public revenue for the ſupport of government,' and to repeal an act, entitled, 'an act, to ſuppreſs exceſſive gaming."*

The two firſt & fifth ſections, temporary.

Gaming-tables prohibited.

III. AND whereas all public gaming-tables are deſtructive of the morality of the inhabitants of this ſtate, and tend greatly to the encouragement of vice and diſſipation: and whereas the taxes already impoſed are inadequate to the ſuppreſſion of the ſame: *Be it therefore enacted*, that all public gaming tables, ſuch as EO, AB, and ABC, Faro banks, paſs-die tables, and all others of whatever name or denomination they ſhall be called, are hereby totally forbidden to be uſed in this ſtate by any perſon or perſons whatever: and all Juſtices of the Peace, and the commiſſioners of police of the ſeveral towns in this ſtate, are hereby authoriſed and directed in caſe of information made to them, or any of them, on oath, that ſuch gaming-table is in the poſſeſſion and uſe of ſome perſon within the limit of their juriſdiction to deſtroy and annihilate the ſame by every means in their power. And each and every perſon who ſhall offer to keep up or uſe the ſame, after the firſt day of May next, ſhall be ſubject to the penalty of one thouſand pounds, to be recovered in an action of debt by any perſon ſuing for the ſame, the one half thereof to be appropriated to the uſe of the party informing, the other half to the uſe of the ſtate. *Provided always*, that billiard and backgammon tables ſhall not come under the meaning and purview of this act.

Penalty on keeping them up.

Proviſo.

Repealing clauſe.

IV. *And be it further enacted*, that an act, entitled, 'An additional act to an act, entitled, an act for raiſing a public revenue for the ſupport of government, and to repeal an act, entitled, an act to ſuppreſs exceſſive gaming,' paſſed at Newbern, December, one thouſand ſeven hundred and eighty-five, be and the ſame is hereby repealed.

CHAP. VI. *An act to carry into effect the ordinance of the convention held at Hillsborough, in July, one thouſand ſeven hundred and eighty-eight, entitled, 'an ordinance for eſtabliſhing a place for holding the future meetings of the General Aſſembly, and the place of reſidence of the chief officers of the ſtate.'*

O. C. '88, p. 652. The whole of this act, but the laſt ſection, had its effect. The place ſo fixed to be the unalterable ſeat of government, &c.

III. AND *be it further enacted by the authority aforeſaid*, that the place which the ſaid commiſſioners or a majority of them, ſhall ſo determine on, ſhall be the ſeat of government, and the unalterable place of holding the future aſſemblies of this ſtate, and the place of reſidence of the chief officers of the ſtate, agreeable to the true intent and meaning of the recommendation of the General Aſſembly, and the ordinance of the Convention herein before mentioned. *Provided always*, that until convenient buildings can be erected on the ſaid place for the purpoſes aforeſaid, the General Aſſembly from time to time ſhall have power to appoint any other place or places for the meeting of the General Aſſembly, and for the reſidence of the chief officers of the ſtate, notwithſtanding this law.

1792, 14.

Penalty for perjury.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that if any person shall wilfully and corruptly commit perjury, on his or her oath or affirmation, in any suit, controversy, matter or cause depending in any of the courts of this state, or on any oath or affirmation made, or in any deposition or affidavit taken pursuant to the laws of this state, every such person so offending, and being thereof convicted, shall be fined not exceeding the sum of five hundred pounds, and shall stand in the pillory for one hour, at the expiration of which time both the ears of the person so offending shall be cut off, and severed entirely from the head, and the ears so cut off shall be nailed to the pillory by the officer, and there remain until the setting of the sun; and the person so offending shall be thereafter rendered incapable of giving testimony in any of the courts of this state, or in any case whatsoever, until such time as the judgment so given against the said offender shall be reversed.

1777, 5, 287.

Penalty for suborning others to commit perjury.

II. *And be it further enacted by the authority aforesaid*, that if any person shall by any means procure another person to commit corrupt and wilful perjury, on his or her oath or affirmation, in any suit, controversy, matter or cause depending in any of the courts of this state, or any oath or affirmation made, or in any affidavit or deposition taken pursuant to the laws of this state, the person so offending, and being thereof convicted, shall stand in the pillory one hour, have his or her right ear cut off, and shall be fined at the discretion of the court in a sum not exceeding five hundred pounds; and the person so offending shall be thereafter rendered incapable of giving testimony in any of the courts of this state, or in any case whatsoever, until such time as the judgment so given against the said offender shall be reversed.

Indictments for perjury how they may be brought.

III. *And be it further enacted*, that in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, or person or persons to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, other than aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed.

And for subornation of Perjury.

IV. *And be it further enacted*, that in every presentment or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceedings, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

Power of Judges & judices in bringing offenders to trial.

V. And in order to prevent as much as possible the commission of such crimes in future, *Be it further enacted*, that when the Judges or Justices of any of the courts within this state, shall be fully convinced that any person hath committed or procured any person to commit, wilful and corrupt perjury, either as a witness, or in any affidavit or deposition to procure a certiorari, injunction or other process, or in any case wherein such oath or affirmation has been made, or the affidavit or deposition has been taken in pursuance of the laws of this state, it shall be the duty of such Justices, Judge or Judges, to cause the person so offending to enter into recognizance for his appearance as in other criminal cases, and they shall direct the counsel acting for the state to take the necessary legal measures to support such prosecution, and the supreme executive officer of the state for the time being may be entered as prosecutor: *Provided nevertheless*, that the Judge or Judges who directed such prosecution, shall not sit on the trial thereof.

CHAP. VIII. *An act to prevent malicious and unlawful maiming and wounding.*

2, '54, 15, 167.

WHEREAS some doubts have arisen concerning the construction of an act, entitled, "an act to prevent malicious maiming and wounding," made in the year one thousand seven hundred and fifty-four: and whereas it is necessary that such inhuman and disgraceful practices should meet with adequate punishment:

1791.

Penalty for malicious maiming, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, that if any perſon or perſons ſhall of malice aforethought, unlawfully cut out or diſable the tongue, or put out an eye of any perſon with intent to murder, maim or disfigure, the perſon or perſons ſo offending, their counſellors, abettors and aiders, knowing of and privy to the offence as aforeſaid, ſhall for the firſt offence ſtand in the pillory for two hours, have both his ears nailed to the pillory and cut off, and receive thirty-nine laſhes on the bare back, and for the ſecond offence ſhall be and are hereby declared to be guilty of felony, and ſhall ſuffer as in caſe of felony, without benefit of clergy; but that no conviction and judgment under this act ſhall work a forfeiture of goods and chattels, lands and tenements, or corruption of blood.

II. *And be it further enacted by the authority aforeſaid*, that if any perſon or perſons ſhall on purpoſe unlawfully cut or ſlit the noſe, bite or cut off a noſe or lip, bite or cut off an ear, or diſable any limb or member, of any other perſon, with intent to murder, or to maim or disfigure ſuch perſon, in every ſuch caſe the perſon or perſons ſo offending, being thereof lawfully convicted, ſhall be impriſoned for the ſpace of ſix months, and fined at the diſcretion of the court before whom ſuch offence ſhall be tried.

Repealing clauſe.

III. *And be it further enacted by the authority aforeſaid*, that the above mentioned act, entitled, "an act to prevent malicious maiming and wounding," be and the ſame is hereby repealed after the firſt day of May next.

When in force.

IV. *And be it further enacted, by the authority aforeſaid*, that no perſon or perſons ſhall be ſubject to the penalties inflicted by this act, unleſs the offence with which ſuch perſon or perſons may be charged, ſhall be committed after the firſt day of May next.

CHAP. IX. *An act to regulate the practice of Phyſic.*

Phyſicians how to make out their accounts &c.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, that every perſon practiſing as a phyſician or ſurgeon, ſhall deliver his account or bill of particulars to all and every patient in plain Engliſh words, or as nearly ſo as the articles will admit; all and every one of which accounts ſhall be liable, whenever the patient, his or her executors or adminiſtrators, ſhall require, to be taxed by the court and jury of the court of pleas and quarter-ſeſſions of the county where the party complaining reſides, calling to their aid and aſſiſtance ſuch teſtimony as they may think proper.

1715, 48, 28.

CHAP. X. *An act to amend an act, entitled, 'an act concerning proving wills and granting letters of adminiſtration, and to prevent frauds in the management of inteſtate eſtates.'*

WHEREAS by the fifth ſection of the ſaid act it is directed, that the bonds given by adminiſtrators upon the eſtates of perſons dying inteſtate, for their faithful adminiſtration upon ſuch eſtates, ſhall be made payable to the Governor and commander in chief of the ſtate for the time being, and ſhall be aſſigned and tranſcribed* by him to any perſon or perſons injured, in order to maintain an action thereon, and the ſame being in many inſtances inconvenient and impracticable:

Adminiſtration bonds made payable to the chairman of the court, and may be put in ſuit, &c. without aſſignment.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, that from and after the twentieth day of May next, all ſuch adminiſtration bonds ſhall be taken and made payable to the chairman of the court for the time being, and his ſucceſſors in office, which bonds ſhall and may be put in ſuit, at the inſtance of any perſon injured, in the name of the chairman of the court, without any aſſignment whatever, any law to the contrary, heretofore made, in any wiſe notwithſtanding.

Theſe heretofore taken in the name of the Gov. may be put in ſuit in his name for the benefit of the party injured.

II. *And be it further enacted, by the authority aforeſaid*, that all bonds as aforeſaid, that are or may be taken payable to the Governor of this ſtate and his ſucceſſors, and directed by law to be aſſigned by him to the party injured, ſhall and may in future be ſued and proſecuted in the name of the Governor, by the party injured, without the neceſſity of ſuch aſſignment, any law to the contrary notwithſtanding. **Transferred*, perhaps.

WHEREAS by the adoption of the conſtitution of the United States, an alteration in the oath of allegiance to the ſtate of North-Carolina is become neceſſary

Oath or affirmation to be taken ſtate officers.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, that every perſon who ſhall be choſen or appointed to hold any office of truſt or profit in this ſtate, ſhall before his entering upon the execution of the office to which he ſhall have been choſen or appointed, take and ſubſcribe the following oath or affirmation, viz. "I, A. B. do ſolemnly and ſincerely ſwear or affirm, that I will be faithful and bear true allegiance to the ſtate of North-Carolina, and to the conſtitutional powers and authorities which are or may be eſtabliſhed for the government thereof; and that I will endeavour to ſupport, maintain and defend the conſtitution of the ſaid ſtate, not inconſiſtent with the conſtitution of the United States, to the beſt of my knowledge and ability. SO HELP ME GOD." Where ſuch perſon ſhall be one of the people called Quakers, he ſhall take and ſubſcribe the following affirmation, to wit, "I, A. B. do ſolemnly and ſincerely declare and affirm, that I will truly and faithfully demean myſelf as a peaceable citizen of the ſtate of North-Carolina, that I will be ſubject to the powers and authorities that are or may be eſtabliſhed for the good government thereof, not inconſiſtent with the conſtitution of the ſaid ſtate, and the conſtitution of the United States, either by yielding an active or paſſive obedience thereto; and that I will not abet or join the enemies of this ſtate by any means, in any conſpiracy whatever againſt the ſaid ſtate; and that I will diſcloſe and make known to the legiſlative executive, or judicial powers of the ſaid ſtate, all treaſonable conſpiracies which I ſhall know to be made or intended againſt the ſaid ſtate."

Oath or affirmation to be taken by members of Aſſembly.

II. *And be it further enacted by the authority aforeſaid*, that every perſon elected a member of the General Aſſembly, ſhall before he takes his ſeat therein, take and ſubſcribe the ſaid oath of allegiance appointed to be taken by public officers, and alſo the following oath or affirmation, viz. "I, A. B. do ſolemnly and ſincerely ſwear or affirm that I have not by myſelf, or any other perſon or perſons, either directy or indirectly, given or cauſed to be given, any gift, gratuity, reward or preſent to any perſon or perſons, for his or their votes to obtain a ſeat in the preſent General Aſſembly; and that I will not during my continuing a member thereof, take or receive the profits, or any part of the profits of any office within this ſtate, or under the United States, either for my own uſe or uſes of any perſon or perſons whatſoever, otherwiſe than what is agreeable to the conſtitution of this ſtate, or ſhall be allowed by law. SO HELP ME GOD." Copies of which oath the ſheriffs are hereby directed and required to put up at the court-houſe and other public places in their reſpective counties, ten days before each annual election of members of the General Aſſembly; and alſo to read the ſaid oath, or cauſe the ſame to be read at the opening the poll on each day of every election of members of the General Aſſembly of this ſtate, at the place where ſuch elections are held.

Sheriffs to publiſh the oath, &c.

Oath or affirmation to ſupport the conſtitution of the United States.

1 *Co.* 1 *Seſſ.* 1.

III. *And be it further enacted by the authority aforeſaid*, that all members of the General Aſſembly, and all officers choſen or appointed, or who ſhall hereafter be elected, choſen or appointed, to any office of truſt or profit within this ſtate, ſhall agreeable to act of Congreſs the following oath or affirmation, viz. "I, A. B. do ſolemnly ſwear or affirm (as the caſe may be) that I will ſupport the Conſtitution of the United States." Which oath ſhall be taken by the members of the preſent General Aſſembly after the ratification of this act; by all perſons holding offices of truſt or profit within this ſtate, at the firſt county court which ſhall he held in the counties in which they reſpectively reſide, after the fifteenth day of February next; and by the members of all future General Aſſemblies, and by all other perſons who ſhall hereafter be choſen or appointed to any office of truſt or profit within this ſtate, before they enter upon the execution of the office to which they ſhall have been choſen or appointed.

Repealing clauſe.

IV. *And be it further enacted by the authority aforeſaid*, that all laws coming within the purview and meaning of this act are hereby repealed: *Provided nevertheleſs*, that nothing in this act contained, ſhall be ſo conſtrued as to prevent the public officers of this ſtate, from taking the oaths of office preſcribed by law.

1794.

CHAP. XII. *An Act to prevent wilful and negligent Escapes, and to declare the Duty of public Officers in certain Cases.*

Penalty on sheriffs, &c. suffering felons, &c. to escape.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that when any person charged with any crime or misdemeanor whatsoever, shall be legally committed to any Sheriff, Deputy-Sheriff, Constable or Gaoler within this state, and such Sheriff, Deputy-Sheriff, Constable or Gaoler wilfully or negligently shall suffer such person so charged and committed to escape out of his or their custody, the Sheriff, Deputy-Sheriff Constable or Gaoler so offending, being thereof lawfully convicted shall be removed from office and fined at the discretion of the court before whom the trial may be had; and in all such cases it shall be sufficient in support of the indictment against such Sheriff, Deputy-Sheriff, Constable or Gaoler, to prove that such person so charged was committed to his or their custody, and it shall lie upon the defendant to shew that such escape was not by his consent or negligence, but that he had used all legal means to prevent the same and acted with proper care and diligence. And when a Sheriff shall in consequence of a conviction under this act, be removed from office, the Justices of the court of Pleas and Quarter-sessions of the county for which such Sheriff had been appointed, are hereby authorised upon such conviction and removal, to elect and nominate a freeholder as required by law, to execute the office of Sheriff until the next annual election, who shall thereupon be commissioned by the Governor or Commander in Chief as in other cases. *Provided*, That such removal of a Sheriff shall not affect his power or duty as a county Treasurer of the public revenue, but he shall proceed on such duty and be accountable as if such conviction and removal had not been had.

Duty of Attorney-General, &c. to prosecute for escapes.

II. *And be it further enacted by the authority aforesaid*, That it shall and is hereby declared to be a part of the duty of the Attorney or Solicitor General, as the case may be, that when they shall be informed or have knowledge of any felon, or person otherwise charged with any crime or offence against the state, having escaped out of the custody of any Sheriff, Deputy Sheriff, Constable or Gaoler, to take the necessary measures to prosecute such Sheriff, Deputy Sheriff, Constable or Gaoler so offending; and for every such offence, and on all indictments in such cases, he may endorse the Governor for the time being as prosecutor.

And for frauds &c. committed on the Treasury, &c.

III. And whereas frauds and deceits are often committed on the treasury and other offices of the state, which pass unpunished because the public alone are injured: *Be it enacted by the authority aforesaid*, That when any fraud or deceits shall be committed in or upon any of the public offices of this state, the person appointed to or who has charge of such office shall give immediate information thereof to the Attorney or Solicitor General, as the case may be; whose duty it shall be, when such fraud or deceit shall be an indictable offence, to take all legal measures to prosecute the person or persons so offending with effect; and on all indictments in such cases the person in whose office such offence hath been committed, shall be endorsed as prosecutor in his public or official character.

CHAP XIII. *An act to provide a proper Seal for the State, and the several Courts of Record.*

The whole of this act, except the last part, had its effect.

1793, 25.

AND whereas the seals annexed to grants and other public papers are in many cases lost and destroyed: *Be it enacted by the authority aforesaid*, that in all such cases where any person or persons may find it necessary to have the seal of the state put again to such grant or other public paper, that he, she or they may prefer his, her or their petition to the Governor and Council, who shall, if they shall deem the same proper after examining such grant or other paper, order and direct the Secretary to put the seal of the state thereto, for which he shall be allowed the usual fees.

CHAP. XIV. *An act to improve the Inspection of Flour and other Commodities in this State, and to alter the Inspector's Fees in certain Instances.*

1, '84, 26, 494. Flour barrel how much to contain, &c.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that each barrel of flour exposed to sale in, or exported from this state by land or water, shall contain one hundred and ninety six pounds of net flour, well ground, bolted and packed; and every maker and manufacturer of the same, shall brand in figures on the cask the net weight of the same, with the first letters of his christian name, and his surname at full length;

and every cask made to contain flour for ſale or exportation as aforeſaid, ſhall be made of good ſeaſoned wood, twenty-ſix inches in length, the heads whereof ſhall be ſeventeen inches in width, and ſhall be bound with eight good hoops.

Barrels to be nailed, &c.

II. *And be it further enacted, by the authority aforeſaid,* that every maker and manufacturer of flour ſhall be obliged to nail each caſk ſufficiently with not leſs than fourteen nails, and a part thereof in the hoops, that is to ſay, four nails in each head and three in each of the laſt quarter hoops; and each miller or manufacturer as aforeſaid, ſhall receive the ſum of one ſhilling for bolting, packing and nailing every barrel of flour bolted, and that only: And every miller or manufacturer as aforeſaid, failing to perform any or all the above requiſites and duties, or tranſgreſſing the ſame, ſhall forfeit and pay the ſum of ten ſhillings for every barrel by him ſo manufactured; to be recovered by any perſon complaining and informing before any juriſdiction having cognizance of the ſame.

Inſpector's duty, &c.

III. *And be it further enacted, by the authority aforeſaid,* that every inſpector of flour ſhall be obliged to bore each caſk by him inſpected, with a piercer of the length of the caſk, and not leſs than half an inch in diameter; and ſhall brand on the ſame in words of full length, the quality of the flour, either fine or ſuperfine as he may judge the ſame to be; and every inſpector as aforeſaid, ſhall be allowed the ſum of ſixpence for each barrel ſo branded and inſpected by him; and every inſpector as aforeſaid, ſhall, if required, give the owner of the flour ſo inſpected and branded, a certificate of the ſame; and ſhall keep a record or book of inſpection of all flour ſo branded and inſpected as aforeſaid, ſetting forth the owner of the flour and miller's name, with the quality of each caſk.

Penalty for adulterating, &c. inſpected flour.

IV. *And be it further enacted by the authority aforeſaid,* that if any exporter or owner of flour, after having the ſame inſpected, ſhall attempt to repack or adulterate any flour by him received, either by mixing or putting other flour into the ſaid caſk or caſks, in order to defraud the purchaſer, ſuch owner or exporter ſhall forfeit and pay the ſum of ten pounds, to any perſon complaining or informing, for every ſuch offence, to be recovered before any juriſdiction having cognizance thereof.

Penalty on Inſpect. for neglect of duty.

V. *And be it further enacted by the authority aforeſaid,* That every Inſpector failing to perform the duties and requiſites above mentioned, ſhall forfeit and pay the ſum of five pounds for every offence by him ſo committed, to be recovered by action of debt before any juriſdiction having cognizance of the ſame, by any perſon complaining or informing thereof.

VI. *Section, Repealed, by* 1792, 19.

Inſpector's fees.

VII. And whereas the fees allowed to Inſpectors are in ſome inſtances inadequate to their ſervices: *It is hereby enacted by the authority aforeſaid,* That from and after the paſſing of this act, the reſpective inſpectors ſhall and may lawfully take and receive the following fees and and no more: For each barrel of pork or beef one ſhilling; for each barrel of rice or butter eight pence; for each barrel of fiſh four pence; for each barrel of tar two pence; for each barrel of pitch or turpentine three pence; for each hundred ſtaves or heading three pence; for every thouſand ſhingles three pence; and for each thouſand feet of boards, plank or ſcantling one ſhilling: And the fees of inſpection in all inſtances, ſhall be paid by the purchaſer or exporter of the articles inſpected. *Provided always,* That when the purchaſer and ſeller agree on the diſpoſal or exportation of any ſhingles, ſtaves, heading, boards, plank or ſcantling, they ſhall and may inſpect the ſame without calling in the aid of any Inſpector or Inſpectors whatever; any law to the contrary notwithſtanding. *And provided further,* That nothing contained in this act ſhall affect contracts heretofore entered into for ſtaves, ſhingles, plank or ſcantling.

By whom paid, &c.

Inſpector to hold his office during good behaviour, &c.

VIII. *And be it further enacted, by the authority aforeſaid,* That all public Inſpectors of commodities heretofore appointed, and who ſhall hereafter be appointed, ſhall hold their office during good behaviour: *Provided nevertheleſs,* That where any Inſpector ſhall be guilty of mal-practice or miſbehaviour in his office, on complaint being made to the county court, they ſhall iſſue a citation, and cauſe him or them to appear before the ſaid court at the enſuing term; and if the charges ſhall be ſupported by good and ſufficient teſtimony, and confirmed by the verdict of a jury, they ſhall remove ſuch inſpector from his ſaid office and appoint another in his ſtead, who ſhall hold his office during good behaviour as aforeſaid; any law to the contrary notwithſtanding.

Repealing clauſe.

IX. *And be it further enacted by the authority aforeſaid,* That all acts and clauſes of acts, coming within the meaning and purview of this act, are hereby repealed and made void.

1791.

CHAP. XV. *An act for quieting ancient titles, and for limitting the claims of the State.*

WHEREAS in conſequence of the loſs of original grants and deeds, and the deſtruction of public records, lands have been and may be entered as vacant, although they have already been granted and have been long actually poſſeſſed and improved: For prevention whereof, and for quieting men's eſtates,

Ancient titles quieted.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That where any perſon or perſons, or the perſon or perſons under whom he, ſhe or they claim, ſhall have been or ſhall continue to be in poſſeſſion of any lands, tenements or hereditaments whatſoever, under titles derived from ſales made either by creditors, executors or adminiſtrators of any perſon deceaſed, or by huſbands and their wives, or by indorſement of patents or other colourable title for the ſpace of twenty one years, all ſuch poſſeſſions of lands, tenements or hereditaments, under ſuch title, ſhall be and are hereby ratified, confirmed and declared to be a good and legal bar againſt the entry of any perſon or perſons, under the right or claim of the ſtate, to all intents and purpoſes whatſoever; any former act, law or uſage to the contrary in any wiſe notwithſtanding: *Provided nevertheleſs,* That the poſſeſſion ſo ſet up ſhall have been aſcertained and identified under known and viſible lines or boundaries.

CHAP. XVI. *An act directing the manner in which ſuch perſons as have been or may be evicted of Property purchaſed under the Confiſcation Laws of this State ſhall be indemnified, and alſo the Manner in which Payments ſhall be received from thoſe who are or may be indebted to the State in any Amount of Certificates.*

WHEREAS it is repreſented and made appear to the ſatisfaction of the General Aſſembly, that thoſe perſons who purchaſed property under the ſaid confiſcation laws, have and may ſuſtain great damage by judgment and recoveries obtained againſt them, for the property by them ſo purchaſed, or by judgment againſt them, where they have brought ſuit for ſuch property; for remedy whereof, and to prevent ſuch judgment and recovery from being obtained by fraud and colluſion to the injury of the ſtate:

Attorney-General's, &c. duty in ſuits reſpecting confiſcated property.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That in all caſes, where any perſon or perſons, having purchaſed property under the confiſcation laws of this ſtate, ſhall ſue or be ſued for the ſame, in any of the ſuperior courts of law within this ſtate, and in all caſes where ſuits may be now depending on ſuch account, it ſhall be the duty of the Clerk of ſuch court to give information thereof unto the Attorney or Solicitor General, and ſupply him with a copy of the declaration filed in the ſaid ſuit; and the Attorney or Solicitor General ſhall *ex officio* be bound to aſſiſt in the ſaid ſuit, and take ſuch legal precautions therein, as may appear to him beſt calculated to ſecure the intereſt of the ſtate.

Suits in what courts to be brought.

II. *And be it further enacted,* That where the perſon claiming under the ſtate is the plaintiff, he ſhall originate his ſuit in the ſuperior court of law or court of equity; and if ſuit be commenced againſt ſuch perſon in any county court, the Judge or Judges of the ſuperior court of law for the diſtrict wherein ſuch county is ſituated, ſhall upon motion, cauſe the proceedings to be brought up before ſuch ſuperior court by certiorari or other proper writ.

Allowance on certificates.

III. *And be it further enacted,* That in all payments to be made from the ſtate to the citizens thereof, on account of confiſcated property ſold under the laws commonly called confiſcation laws, which the purchaſers have been or ſhall be evicted of the value of certificates ſhall be and the ſame are hereby declared to be of the value of four ſhillings currency for every pound of principal and intereſt, and ſhall be paid accordingly.

Manner of obtaining it.

IV. *And be it further enacted,* That when any perſon or perſons ſhall be evicted of land or other property purchaſed under the confiſcation laws of this ſtate, after due trial and proper defence made agreeable to this act, it ſhall be incumbent upon him or them, to prove to the ſatisfaction of the court, that the certificates for which the lands or other property ſold, were actually paid to the officer authoriſed by law to receive the ſame in behalf of the ſtate; and upon ſuch proof being made, the perſon or perſons ſo evicted or injured, ſhall receive a certificate thereof from the Clerk of the court, and ſigned by the Judge or Judges before whom the enquiry was made, and alſo ſpecifying the amount of the certificates ſo paid, which ſhall be a ſufficient voucher to the Treaſurer, for paying over the amount ſo

certified, agreeable to the value of certificates as rated and aſcertained by this act, and he is hereby authoriſed and directed to pay the ſame accordingly. 1791.

Where confiſcated property is refunded, &c.

V. *And be it further enacted by the authority aforeſaid*, That where any property purchaſed under the ſales made by virtue of the confiſcation laws has been or may hereafter be reſtored by the General Aſſembly, upon due proof being made to the ſatisfaction of the Treaſurer, that the certificates were actually paid by the purchaſer or purchaſers, he or they ſhall be entitled to the ſame relief, as is provided by this act for perſons that have been evicted of property purchaſed under the confiſcation laws.

Treaſurer to receive payment from debtors of the ſtate agreeable to this act. Proviſo.

VI. *And be it further enacted by the authority aforeſaid*, That the Treaſurer ſhall receive payment from all perſons indebted to the ſtate, agreeable to the rules, regulations and reſtrictions directed by this act, in caſes where the ſtate is indebted to any citizen thereof. *Provided*, That nothing in this act contained ſhall be ſo conſtrued, as to exonerate any public officer of this ſtate from the payment of the money or certificates by him received in conſequence of the official truſt repoſed in him; any thing in this act to the contrary notwithſtanding.

CHAP. XVII. *An Act for repealing the fourth Section of an Act of Aſſembly, entitled, 'an Act to amend an Act, entitled, an Act for opening the Land-Office, for the Redemption of ſpecie and other Certificates, and for diſcharging the Arrears due to the Army,' paſſed in the year one thouſand ſeven hundred and eighty-four.*

1,'84, 14, 482. 1783, 2, 446.

WHEREAS the mode preſcribed in the before recited clauſe for enforcing the payment of the fees due to the Secretary on the grants for lands, hath not anſwered the intention of the legiſlature: wherefore it is neceſſary that the ſame ſhould be repealed:

Clauſe of an act repealed.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid fourth ſection of the before recited act, be, and the ſame is hereby repealed and made void.

CHAP. XVIII. *An Act for giving further time for Probate and Regiſtration of Bills of Sale for Slaves and Marriage Settlements.*

WHEREAS it appears to the General Aſſembly that many of the good citizens of this ſtate, through inattention or neglect, failed to have their bills of ſale for ſlaves proved and regiſtered within the time limitted by law, and many thereby be much injured unleſs a longer time is given for that purpoſe; and the legiſlature ever being ready to give a juſt and equitable relief: Therefore,

Further time allowed for regiſtering bills of ſale, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all bills of ſale for ſlaves, not already recorded in manner required by law, ſhall have a further time of twelve months allowed for probate and regiſtration, and ſhall when thus authenticated and perpetuated, be held and deemed as valid in law, to all intents and purpoſes, as if they had been proved and regiſtered within the time required by law; any law, uſage or cuſtom to the contrary notwithſtanding.

1785, 12, 55.

II. And whereas in the firſt ſection of an act, entitled, "An act directing that marriage ſettlements and other marriage contracts ſhall be regiſtered, and for preventing injury to creditors," paſſed at Newbern in the year one thouſand ſeven hundred and eighty-five, it is directed that all marriage ſettlements and other marriage contracts ſhall be proved in the ſame manner as other deeds, and ſhall be regiſtered: And whereas it appears to this General Aſſembly, that a number of good citizens, for want of ſufficient information, have neglected to avail themſelves of the benefit of the ſaid act: For remedy whereof, *Be it enacted by the authority aforeſaid*, That all marriage contracts, which were made, formed and entered into previous to the paſſing of the above recited act ſhall have a further time of twelve months allowed for probate and regiſtration, and ſhall when thus authenticated and perpetuated, be held and deemed as valid in law, to all intents and purpoſes, as if they had been proved and regiſtered within the time required by the above recited act; any law, uſage or cuſtom to the contrary notwithſtanding.

For marriage ſettlements and contracts.

CHAP. XIX. *An act for appointing Commiſſioners to extend the Boundary Line between this State and the State of South-Carolina.*

WHEREAS it is neceſſary to prevent diſputes between the good citizens of this ſtate and the ſtate of South-Carolina, that the dividing line of the two ſtates ſhould be permanently fixed and marked out; and the Aſſembly of South-Carolina having by their act of the twenty-ſecond day of March, one thouſand ſeven hundred and eighty-ſix, manifeſted a deſire of ſettling and marking the ſame:

Commiſſioners to ſettle boundary-line between this ſtate and the ſtate of South-Carolina.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Reverend James Hall, William Richardſon Davie and Alfred Moore, Eſquires, be and they are hereby appointed commiſſioners, to meet the commiſſioners already appointed, or who may hereafter be appointed by the ſtate of South-Carolina, at ſuch time and place as ſhall by them the ſaid commiſſioners or a majority of them be agreed on, and with them to ſettle and compromiſe all and ſingular the differences, controverſies, diſputes and claims which ſubſiſt between this ſtate and the ſtate of South-Carolina, relative to boundaries; and to fix and eſtabliſh permanently a boundary between the two ſtates, and the ſame to mark from where the former commiſſioners left off, in the reign of George the Second, on the great road leading from Charlotte to Cambden, near the Waxa-creek, as far as the eaſtern boundary line of the territory ceded by the ſtate of North-Carolina to the United States. *Provided nevertheleſs*, That the extenſion of the ſaid line ſhall not affect the titles of any perſon to lands entered in either of the ſaid ſtates; and this ſtate will at all times hereafter ratify and confirm all and whatever the ſaid commiſſioners, or a majority of them, ſhall do in and touching the premiſes, and the ſame ſhall be ever binding on this ſtate. *Provided always*, That the twenty-fifth ſection of the Declaration of Rights, which is a part of the conſtitution of this ſtate, ſhall not in any wiſe be violated or infringed.

Allowance to the Commiſſioners, &c.

II. *And be it further enacted by the authority aforeſaid*, That the commiſſioners appointed in and by this act, ſhall for their own perſonal ſervices be allowed the ſum of forty ſhillings per day, and ſhall make return of their proceedings to the next General Aſſembly; and further the ſaid commiſſioners are hereby authoriſed and empowered to employ a ſurveyor or ſurveyors, and ſuch number of markers as they or a majority of them ſhall deem neceſſary; and the ſurveyor appointed by the ſaid commiſſioners ſhall be entitled to receive forty ſhillings per day for his ſervices, and each chain carrier fifteen ſhillings, for every day they ſhall be employed in running and marking the line as aforeſaid.

Vacancy of commiſſioners how ſupplied.

III. *And be it further enacted by the authority aforeſaid*, That in caſe of the death, refuſal to act, or reſignation of any of the commiſſioners herein appointed, the Governor, with the advice of the Council of State, is hereby empowered to appoint others in their ſtead thus diſqualified.

Governor to notify the executive of S. Carolina of this act &c.

IV. *And be it further enacted by the authority aforeſaid*, That the Governor for the time being ſhall, as ſoon as may be after the ratification of this act, tranſmit a copy thereof to the executive of the ſtate of South-Carolina; and ſhall, as ſoon as it may be officially ſignified to him that the legiſlature of that ſtate have appointed commiſſioners for the purpoſe aforeſaid, inveſted with powers ſimilar to thoſe given the commiſſioners appointed by this act, on the application of the commiſſioners, iſſue a warrant on the Treaſurer for two hundred pounds, for the purpoſe of carrying this act into effect.

1, 84, 26, 494.

CHAP. XX. *An Act to amend an Act, paſſed at Hillsborough, in the year one thouſand ſeven hundred and eighty-four, entitled, "an Act to prevent the Exportation of unmerchantable Commodities."*

WHEREAS by the tenth ſection of the ſaid act it is enacted, that every barrel of beef or pork for exportation, ſhall contain two hundred and twenty pounds of good, ſound and clean merchantable meat; and the ſame being injurious to the people of this ſtate, and inconſiſtent with the laws of other ſtates:

Gauge, &c. of barrels of beef.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, every merchantable barrel of ſalted beef, which ſhall be expoſed to ſale in or exported from this ſtate, ſhall be of the gauge of twenty-eight gallons wine meaſure, and no more, and ſhall contain two hundred pounds weight of ſalted meat, and not more than two ſhins; and every merchantable barrel of ſalted pork, which ſhall be exported, from or expoſed for ſale within this ſtate, ſhall be of the gauge of twenty-nine gallons of wine meaſure, and each barrel ſhall contain two hundred pounds weight of ſalted meat, and not more than two heads: And every half barrel of beef and pork ſhall be of the guage of fifteen gallons of the meaſure aforeſaid,

and ſhall contain one hundred pounds weight of ſalted meat, and if beef not more than one ſhin, and if pork not more than one head; ſubject in every other reſpect to the rules, regulations and reſtrictions laid down in the ſaid act: *Provided always*, That this act ſhall not reach or affect any contracts for beef or pork heretofore made or entered into. 1791.

Part of an act repealed.

II. *And be it further enacted by the authority aforeſaid*, That ſo much and no more of the ſaid recited act, entitled, "an Act to prevent the exportation of unmerchantable commodities," paſſed at Hillſborough, in April, one thouſand ſeven hundred and eighty-four, as is by this act altered, amended or ſupplied, be and the ſame is hereby repealed, annulled and made abſolutely void; any thing therein contained to the contrary thereof in any wiſe notwithſtanding.

When to be in force.

III. *And be it further enacted, by the authority aforeſaid*, That this act, ſo far as requires the barrels to be of the gauge of twenty-nine gallons, ſhall not be fully in force until the firſt day of April, one thouſand ſeven hundred and ninety-two; and until that time it ſhall be optional with the packers to have their barrels of the gauge eſtabliſhed by the former law, or of that eſtabliſhed by this law.

CHAP. XXI. *An Act directing in what Manner any Perſon who heretofore has entered or who may hereafter enter Lands in any County of this State, ſhall be entitled to have his or her Money or Certificates returned.*

Surveyor's oath where there is a deficiency of land to ſupply a warrant, &c.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That when the ſurveyor or his deputy for any county in this ſtate, ſhall ſurvey a leſs quantity of land than is contained in the warrant directed to him from the entry taker, if the claimant is deſirous to have the money or certificates returned for ſuch deficient land, then and in that caſe, it ſhall be the duty of the ſurveyor who ſurveyed or proceeded to ſurvey ſuch warrant, to take in open court the following oath, to wit, "I, A. B. ſurveyor of the county of , do ſolemnly ſwear or affirm, as the caſe may be, that I proceeded to ſurvey a tract of land for , by virtue of a warrant number , adjoining the lands of , and on the compleating the ſurvey of the vacant land agreeable to the location of the ſaid warrant, there is a deficiency of acres contained in the ſaid warrant, and no vacant land wherewith the ſame may be ſatisfied agreeable to the location, as all lands adjoining are either taken by grants or entries of an elder date. SO HELP ME GOD."

Where prior entries exclude it altogether.

II. *And be it further enacted, by the authority aforeſaid*, That if it ſhould ſo happen that the whole of the lands contained in ſaid warrant ſhall have been taken by grants or entry of an elder date, in that caſe the ſurveyor ſhall ſet the ſame forth in his affidavit, and alſo the perſon's name by whom ſuch land was ſo previouſly taken up; ſo that it is not in the power of the ſaid to get any part of his ſaid entry, agreeable to the location of his warrant.

Claimant how to proceed to recover his certificates, &c.

III. *And be it further enacted*, That the ſaid claimant, upon receiving the depoſition of the ſurveyor, may then proceed to the entry-taker of his county, and file ſuch depoſition with him, upon which the entry-taker ſhall note the ſame in the margin oppoſite the entry: and the ſaid entry taker ſhall then return the money or certificate to the ſaid claimant for ſuch part as the ſurveyor on his oath hath certified that there was not vacant land for. *Provided*, That where the claimant can get no part of the ſaid land, he ſhall alſo return the warrant to the entry-taker.

Where they have been paid into the treaſury, &c.

IV. *And be it further enacted by the authority aforeſaid*, That in caſe the entry-taker hath made return of any land circumſtanced in the manner before deſcribed, and paid the money or certificates to the Treaſurer, previous to the claimant's application to him for the re-paying thereof, in that caſe the ſaid claimant ſhall take the ſaid depoſition of the ſurveyor, and have the ſame certified by the Clerk of the county court, which certificate of the Clerk ſhall ſpecially ſet forth, that A. B. is or was the ſurveyor or deputy-ſurveyor of the county, and the ſaid Clerk ſhall then incloſe the depoſition of the ſurveyor, and ſeal the ſame up within his certificate, and the claimant upon delivery by himſelf or other perſon of the depoſition and certificate aforeſaid to the Treaſurer, ſhall be entitled to receive out of the treaſury as much money per acre as land may now be entered for by law.

Manner of proceeding, &c. where returns have been made to Comptroller.

V. *And be it further enacted*, That where it ſhall ſo happen, that the entry-taker has iſſued a warrant to any claimant and received neither money nor certificates, but nevertheleſs has made return of ſuch entry to the Comptroller's-office, and after ſuch return the claimant applies to him the ſaid entry-taker to be releaſed from payment agreeable to the tenor of this act, in that caſe the entry taker ſhall

1791.

releaſe the claimant for ſo much as he is entitled to; and the depoſition of the ſurveyor, certified by the Clerk of the county, ſealed up in manner before directed, ſhall be a voucher to the Treaſurer in the ſettlement of his accounts with the Comptroller, and likewiſe ſhall be a ſufficient voucher to the entry-taker for ſo much as is certified in the manner aforeſaid: *Provided nevertheleſs*, That this act is not intended to relieve any claimant, who has entered land within the territory ceded by this ſtate to the Congreſs of the United States.

Penalty for falſe certificates, depoſitions, &c.

VI. *And be it further enacted*, That the quantity of acres ſet forth in the depoſition of the ſurveyor ſhall be wrote in words at full length, and no way blotted; likewiſe the certificate of the Clerk, tranſmitted to the Treaſurer, ſhall ſet forth the circumſtances in like manner; and if any ſurveyor makes a falſe depoſition, he ſhall on conviction forfeit his office, and be alſo ſubject to the penalties inflicted for wilful and corrupt perjury; and the Clerk making a falſe certificate, ſhall on conviction forfeit his office, and be ſubject to fine and impriſonment at the diſcretion of the court before whom ſuch conviction may be had.

1,'84, 22, 488.

CHAP. XXII. *An Act to amend an act, entitled, 'an Act to regulate the Deſcent of real Eſtates, to do away Entails, to make Proviſion for Widows, and to prevent Frauds in the Execution of laſt Wills and Teſtaments.'*

WHEREAS the power given by the ſaid act to widows, of diſſenting from their huſband's will, as therein regulated, deranges the whole eſtate, and may produce the moſt unhappy and expenſive diſſentions and law-ſuits:

Power of a jury in ſettling the dower of lands of a widow when ſhe diſſents from the will, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That when a widow has by virtue, of the power to her given in the ſaid act, ſignified her diſſent from her huſband's will, and the Sheriff in conſequence thereof, and by order of the court for that purpoſe made, has ſummoned a jury agreeable to the ſaid act to allot and ſet off to ſuch widow her dower of her ſaid huſband's lands, it is hereby declared to be the duty of the jury ſo ſummoned, in the firſt place to enquire whether by the will the widow is as conveniently and comfortably provided for as if her dower was to be alloted to her according to the ſaid act, and if they ſhall be of opinion that ſhe is ſo provided for, they ſhall make return of the ſame; by which return the widow ſhall be precluded from any farther claim upon her huſband's lands, except ſuch only as are deviſed to her by the will.

And her proportion of the perſonal eſtate, &c.

II. *And be it further enacted*, That when a jury are ſummoned agreeably to the ſaid act, to allot and ſet off to a widow ſo diſſenting as aforeſaid, her part and proportion of her huſband's perſonal eſtate to which by the ſaid act ſhe is entitled, the jury ſhall enquire in the firſt place, if the legacy or legacies given her by the will, is or are equal in value to the diſtributive ſhare ſhe would take under the ſaid act, and if they ſhall be of opinion that this is the caſe, they ſhall make return that they have ſo found the ſame, and the widow ſhall be therewith content: But if the jury ſhall be of opinion that the proviſion made for the widow is not equal in value to ſuch diſtributive ſhare, and there is a reſiduum of the eſtate not given away in particular legacies, they ſhall allot and ſet off to her ſo much of the reſiduum, if it conſiſt of ſpecific property, as will make up the deficiency; and if the reſiduum conſiſt of money, they ſhall aſſeſs the deficiency, and return their aſſeſſment to the court; upon which return the widow ſhall have judgment for ſo much againſt the executors or adminiſtrators, with ſtay of execution for ſuch length of time as the court ſhall direct on conſideration of the circumſtances of ſuch widow and the eſtate of the deceaſed; and if in either caſe the reſiduum is inſufficient to make up the deficiency, it ſhall be applied to that purpoſe after the payment of debts ſo far as it will extend, and the balance ſhall be compleated in manner as herein after directed.

III. *And be it further enacted by the authority aforeſaid*, That when there is no reſiduum, or an inſufficient one, and the jury ſhall be of opinion that the proviſion made for the widow of the perſonal eſtate by the will, is not equal in value to the part or proportion to which by the ſaid act ſhe is entitled, they ſhall aſſeſs ſo much as will make up the deficiency; and the Sheriff ſhall make due return thereof to the next ſeſſion or term of the court from which the writ iſſued; and judgment ſhall be entered up againſt the executors or adminiſtrators, as the caſe may be, for the amount of ſuch aſſeſſment, with ſuch ſtay of execution as the court ſhall direct on conſideration of the circumſtances

of ſuch widow and the eſtate of the deceaſed; and where there ſhall be no aſſets in the hands of the executors or adminiſtrators, and they have fully adminiſtered, ſuch widow ſhall have and be entitled to a *ſcire facias* againſt the legatees, in like manner as is preſcribed by law for creditors. 1791.

Widow chargeable for debts as a legatee, &c.

IV. *And be it further enacted by the authority aforeſaid*, That the widow ſhall in relation to all creditors be conſidered as a legatee, and be chargeable for the whole amount of her huſband's eſtate that may come to her hands, either as a legatee or in the manner by this act preſcribed, and ſhall be bound to refund to the executors or adminiſtrators her rateable part of ſuch debts or demands as may be afterwards ſued for and recovered, or otherwiſe duly made appear againſt the eſtate of her deceaſed huſband, in the ſame manner as other legatees, and by the ſame proceſs. *Provided nevertheleſs*, That nothing herein contained ſhall be conſtrued to ſubject the dower of a widow in the lands of her deceaſed huſband, nor ſuch lands as may be deviſed to her by his will if ſuch lands do not exceed the quantity ſhe would be entitled to by right of dower, to the payment of debts due from the eſtate of her huſband, during the term of her life.

Proviſo.

Duty of executors, &c.

V. And whereas it is at preſent extremely difficult for creditors to aſcertain the property that has come to the hands of legatees and perſons entitled to diſtributive ſhares of inteſtates eſtates, in order to charge them with debts, notwithſtanding the proviſion made by law that the executors and adminiſtrators ſhall take bond for a proportional retribution: For remedy whereof, *Be it enacted by the authority aforeſaid*, That executors and adminiſtrators ſhall at all times, with ſuch bond, take and return a deſcription-liſt of the property by them delivered to the different legatees and perſons entitled to diſtributive ſhares; and this liſt ſhall be filed by the Clerks of the courts to which ſuch returns are made, with the bonds reſpectively among the records of the ſaid courts.

Repealing clauſe.

VI. *And be it further enacted*, That all acts and clauſes of acts which come within the purview and meaning of this act, be and the ſame are hereby repealed and made void.

CHAP. XXIII. *An Act to repeal an Act, entitled, 'an Act to amend an Act paſſed the laſt Seſſion of the General Aſſembly, entitled, an Act for the Relief of ſuch Perſons as have been diſabled by Wounds, or rendered incapable of procuring a Subſiſtence for themſelves and Families, in the Militia Service of this State, and providing for the Widows and Orphans of ſuch as have died,' paſſed at Newbern, in October, one thouſand ſeven hundred and eighty-four.*

2,'84, 18, 538.

Act repealed.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the before recited act be, and the ſame is hereby repealed and made void.

Perſons diſabled by wounds, &c. how relieved.

1,'84, 16, 485.

II. *And be it further enacted by the authority aforeſaid*, That perſons diſabled by wounds as aforeſaid, or their widows and orphans, ſhall be relieved as directed by the act, entitled, "An act for the relief of ſuch perſons as have been diſabled by wounds, or rendered incapable of procuring ſubſiſtence for themſelves and families, in the militia ſervice of this ſtate, and providing for the widows and orphans of ſuch as have died," paſſed at Hillſborough, in April, one thouſand ſeven hundred and eighty-four.

CHAP. XXIV. *An Act to amend an Act, entitled, 'An Act directing the Mode of proceeding againſt the real eſtate of deceaſed Debtors, where the perſonal Eſtate is inſufficient for the Payment of the Debts.'*

2,'84, 11, 530.

WHEREAS the ſaid act has directed no mode for creditors to proceed in where there ſhall be no heirs or deviſees of the deceaſed, or where the judgment is obtained out of court:

Manner of proceeding againſt real eſtates in the poſſeſſion of the truſtees of the univerſity, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That in all ſuits at law, where the executors or adminiſtrators of any deceaſed perſon ſhall plead fully adminiſtered, no aſſets, or not ſufficient aſſets to ſatisfy the plaintiff's demand, and ſuch plea ſhall be found in favour of the defendant, the plaintiff may proceed to aſcertain his demand and to ſign judgment; but before taking out execution againſt the real eſtate of ſuch deceaſed debtor, if there be no heirs or deviſees of the eſtate, upon affidavit made by the plaintiff, that to the beſt of his knowledge the perſon deceaſed died ſeized of or entitled to certain real eſtate therein to be deſcribed, which real eſtate has ſince come to the poſſeſſion of the Preſident and Truſtees of the Univerſity of North-Carolina, a writ or writs of ſcire facias ſhall and may iſſue againſt the Preſident and Truſtees aforeſaid, to be ſerved on their attornies or agents, or either of them, ſummong them to

1791.

shew cause why execution should not issue against the real estate for the amount of such judgment, or so much thereof as there may not be personal asset to satisfy. *Provided always*, That the said President and Trustees shall, upon such scire facias, be let in to contest the merits of the original action; and if judgment shall pass against the said President and Trustees, execution shall and may issue against the real estate of the deceased debtor for the amount of such judgment.

President, &c. liable in like manner as heirs, &c.

II. *And be it further enacted*, That the President and Trustees of the University of North-Carolina, shall be subject generally to the same process, judgment and execution, for the whole amount of the real estate of any debtor deceased that may come to their hands, that the heirs of such debtor, had he or she left heirs, would have been subject unto; and shall be answerable to creditors, out of the funds of the University, for the value of such lands as are by them sold, aliened, or made over for the use thereof.

Constable to levy execution on real estate if there are no assets, &c.

III. *And be it enacted*, That when it shall happen that an execution is in the hands of a Constable, in consequence of judgment from any Justice of the Peace out of court, against the executors or administrators (as the case may be) of a deceased debtor, and such executors or administrators, shall deny that they have assets to satisfy the same, it shall be the duty of the Constable to levy the execution on the real estate of the deceased debtor, and make return of such his proceedings to the next ensuing county court; before the said court shall make order for selling the same, a writ or writs of *scire facias*, shall issue against the heirs and devisees of such deceased debtor; or in case there be no heirs or devisees, against the President and Trustees of the University of North-Carolina, under the same regulations and restrictions as herein before directed in case of judgment obtained in courts, summoning them to appear and shew cause why such real estate should not be sold.

CHAP. XXV. *An Act to prevent Councillors of State from being elected Members of the General Assembly and from taking a Seat in either House, during the Time for which they shall have been chosen or appointed to act as Councillors of State.*

Councillor of state ineligible as a member of Assembly.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, no person or persons hereafter appointed as a Councillor or Councillors of State, accepting and qualifying to the same agreeably to the laws and constitution, shall be eligible in any wise whatever to a seat in either house of the General Assembly, during the time for which he or they were so appointed; any law, usage or custom to the contrary notwithstanding.

CHAP. XXVI. *An Act to amend an Act, entitled, 'An Act declaring what Fences are sufficient, and to provide a Remedy for Abuses,' so far as relates to the North-East Side of the Northwest Branch of Cape-Fear River, in New-Hanover County.*

2, '77, 22, 343.

WHEREAS it has been represented to this General Assembly that many persons residing on the Brunswick side of the Northwest branch of Cape-Fear, cultivate lands on the opposite side of the river without ever fencing or enclosing the same, by reason of which the inhabitants of that neighbourhood are under the necessity of keeping up their hogs, cattle and horses during the summer season, or of sustaining great loss by the havoc made amongst them if suffered to run at large, from the inevitable accident of their straying at times into these unfenced fields, and the destructive precautions taken by the proprietors of them to prevent injury to themselves, from whence much ill-will and animosity arises: For remedy whereof,

Persons cultivating Cape-Fear lands not legally fenced, to forfeit 50l.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That all persons cultivating land on the Northeast side of the Northwest branch of Cape-Fear river, and neglecting to enclose the same with a sufficient and lawful fence, shall forfeit and pay for every crop so attempted to be made the sum of fifty pounds, one half to the poor of the county, and the other half to the person suing for the same, to be recovered by action of debt before any jurisdiction having cognizance thereof; and that all persons neglecting during crop time to keep up and repair their fences in manner directed by an act passed at Newbern, in the year one thousand seven hundred and seventy-seven, shall be liable to be indicted in the court of the county wherein such fields shall be situated, and upon conviction of such neglect shall pay for each offence such fine as the

Indictable where the land lies.

court ſhall think fit to impoſe, not to exceed however the ſum of fifty pounds; which fines ſhall go to the uſe of the poor of the county wherein the recovery ſhall have been had. *Provided always*, That the concurring teſtimony of three indifferent witneſſes ſhall be neceſſary to conviction. 1791. Proof.

II. *And be it further enacted by the authority aforeſaid*, That if any ſlave ſhall hereafter kill any cattle, hog or horſe not belonging to his maſter, in any cultivated field which is not fenced at all, or which is not under ſufficient and lawful fence, he or ſhe ſhall at any time within ſix months after be liable to be apprehended on warrant from any Juſtice of the Peace of the county, and on conviction before two of the neighbouring Juſtices, ſhall be ſubject to and receive thirty-nine laſhes on his or her bare back, and the owner or overſeer of ſuch ſlave ſo offending as aforeſaid, ſhall on proof of the offence committed by ſuch ſlave, pay ſuch damages as ſhall be adjudged to have been ſuſtained by the owner of the hog, horſe or cattle ſo killed as aforeſaid, by any juriſdiction having cognizance thereof. Slaves Killing cattle in uncultivated field, how puniſhed. Maſter to pay damages.

CHAP. XXVII. *An Act to revive an Act, entitled, 'an Act for deſtroying Wolves, Wild-Cats, Panthers, Bears, Crows and Squirrels, in the ſeveral Counties therein mentioned,' paſſed at Newbern, in the Year ſeventeen hundred and eighty-five.* 1785, 28, 155.* The revived act repealed by 1792, 53.

CHAP. XXVIII. *An Act to amend the ſeveral Acts for making and keeping in Repair the Cauſeway oppoſite to Wilmington.* 2,'64, 11, 45.* 1,'84, 67, 140.*

WHEREAS the inhabitants of Wilmington have repreſented to this General Aſſembly, that the cauſeway oppoſite to the town has been for a long time, and continues ſtill to be, in a ſituation dangerous for to paſs, diſgraceful to the ſtate, and moreover highly injurious to the ſaid town and country adjacent, and praying that ſome immediate meaſures might be adopted, for procuring the ſame to be put in good repair, and affording them effectual relief: And whereas upon due enquiry had, it appears to the General Aſſembly that the perfecting the ſaid cauſeway within the time limitted by law has been prevented by many great and unavoidable accidents, and that the ſaid undertaking is attended with ſo much hazard and difficulty, that the compenſation heretofore allowed is altogether inadequate: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Colonel Benjamin Smith, of Belvidere, the preſent proprietor of the ferries appertaining to the ſaid cauſeway, ſhall have the further time of five years granted him to repair and complete the ſaid cauſeway, which ſhall be at leaſt twelve feet wide, allowing ſufficient room at convenient places, not to exceed the diſtance of four hundred and forty yards aſunder, for carriages to paſs each other with ſafety, and alſo ſhall be raiſed one foot above the high-water mark at ſpring tide, the inſide of the ditches not to be leſs than twelve feet from the centre of the cauſeway, and ſhall ſtop all the creeks that croſs the ſaid cauſeway, or make good and ſubſtantial bridges agreeable to law over the ſame, under the penalty of two thouſand five hundred pounds, preſent current money of the ſtate; for which the ſaid ſum of two thouſand five hundred pounds, he the ſaid Benjamin Smith ſhall enter into a bond payable to the Governor for the time being, conditioned for the perfecting the ſaid cauſeway within the ſpace limited herein, and which penalty of twenty five hundred pounds ſhall be applied by the Governor to the purpoſe of perfecting and compleating the cauſeway aforeſaid, as herein before deſcribed.

II. And in order to aſcertain whether or not the ſaid Benjamin Smith has compleated and complied with his part of the contract under the directions of this act, *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Governor for the time being ſhall, on the firſt day of May next after the period of five years ſhall have elapſed, as ſet forth in this act, (viz. in the year ſeventeen hundred and ninety-ſeven) iſſue his precepts to the Sheriffs to the counties of New-Hanover and Brunſwick, directing them to ſummon ſix jurors from each of their reſpective counties, to meet at Wilmington on the fifteenth day of June following; which jurors ſhall be obliged to attend, under the penalties in force to compel the attendance of jurors at ſuperior and county courts, and ſhall be impannelled by the Sheriffs aforeſaid, and ſhall be directed by them to examine the cauſeway aforeſaid, and to declare upon oath whether or not the aforeſaid Benjamin Smith has complied with this act, by compleating the cauſeway as herein directed. *Provided always*,

1791. That if the ſaid cauſeway ſhall be compleated within the time allowed by this act, that then in ſuch caſe, the county court of New-Hanover and Brunſwick, on application of the ſaid Benjamin Smith, ſhall iſſue an order to their reſpective Sheriffs to ſummon ſix jurors each, as is before directed, and ſhall without delay proceed as required in caſe of a precept from the Governor as aforeſaid; the verdict of which jury ſhall be the evidence of the contract having been compleated, or otherwiſe.

III. And the more effectually to encourage the finiſhing and compleating the ſaid cauſeway in manner before directed, *Be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for the ſaid proprietor, and his aſſigns, upon his thus finiſhing and compleating the ſame, (and not before) forever thereafter to aſk, demand and receive the following rates, from perſons deſiring to croſs the ſaid cauſeway, bridges and ferries belonging thereto, viz. For each and every ſingle perſon, two ſhillings; for every horſe, two ſhillings; for every carriage, one ſhilling and ſix pence per wheel; for every head of neat cattle, one ſhilling; and for every head of ſheep and hogs, ſix pence.

IV. *And be it further enacted by the authority aforeſaid*, That the ſaid proprietor, his heirs and aſſigns, ſhall from time to time, after the ſaid cauſeway and bridges are compleatly finiſhed, and forever thereafter, at his or their expence, provide good and ſufficient boats, and keep the ſaid cauſeway, bridges and boats in ſufficient and conſtant repair, and cauſe to be given all due and neceſſary attendance at the ferries aforeſaid, under the ſame pains and penalties for each failure or neglect, as the overſeers of public roads, and owners or keepers of public ferries, are ſubject to by any act or acts of Aſſembly of this ſtate.

V. *And be it further enacted by the authority aforeſaid*, That if the ſaid Benjamin Smith ſhould find it impracticable to enlarge either of the ditches parallel with the cauſeway, and to cut the ſtumps out of the ſame, ſo as to make a canal ſufficient to admit the paſſage of loaded boats through the ſame, he ſhall have the privilege of erecting one or more toll gates on any of the ſaid ditches, and receiving for all boats and other craft paſſing through the ſame, ſuch rates as the county court of Brunſwick may think reaſonable.

VI. And whereas the grants and privileges heretofore allowed to the late Honourable William Dry, Eſquire, or to the ſaid Benjamin Smith, in ſundry acts of Aſſembly, are not found ſufficient to prevent abuſes by perſons leaving or turning at large their horſes, cattle, ſheep, goats and hogs on the ſaid cauſeway, or falling trees acroſs the ditches and margins, and committing other injuries, to the very great damage of the ſame: *Be it therefore enacted by the authority aforeſaid*, That in addition to the ferries, and to the privileges and grants heretofore and above veſted in the ſaid William Dry, or in the ſaid Benjamin Smith, that the rates herein allowed, and the cauſeway, with the margins and ditches appertaining thereto, ſhall be, and they are hereby contracted and agreed to be, freely granted and fully veſted in the ſaid Benjamin Smith, his heirs and aſſigns, forever, to have and to hold the ſame, upon condition of his being bound in the before recited penalty to perform his part of the contract, by compleating the cauſeway in the time and manner above required. And if any perſon ſhall in future offend againſt this act, by leaving or turning at large any horſe, cattle or other ſtock, upon the ſaid cauſeway, or by falling trees acroſs the margins or ditches of the ſame, he or they ſhall, upon proof thereof being made before any Juſtice of the Peace, forfeit and pay for each and every hog, horſe and head of cattle, wilfully left or turned looſe on the ſaid cauſeway, the ſum of twenty ſhillings; and for every tree ſo fell acroſs the ſaid ditches or either of them, or on either of the margins, the ſum of ten pounds; one half to the uſe of the perſon ſuing for the ſame, and the other half to the uſe of the proprietor of the ſaid cauſeway and appurtenances, who is alſo hereby authoriſed and empowered to remove ſuch horſe, cattle or other ſtock from the ſaid cauſeway.

VII. *And be it further enacted by the authority aforeſaid*, That all act or clauſes of acts heretofore made, ſo far as they come within the meaning of this act, and are contrary thereto, ſhall be and the ſame are hereby repealed and made void.

CHAP. XXIX. *An Act to amend an Act, entitled, "an Act to regulate and fix the prices for inſpecting and coopering tobacco at Fayetteville."*

1790, 29, 236.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of July next, the Inſpectors that are or ſhall be appointed to inſpect tobacco, at the ſeveral warehouſes in the town of Fayetteville, ſhall and may take and receive for inſpecting, turning up, coopering, finding nails, hoops and iſſuing a

note for the ſame, the ſum of ſix ſhillings for each waggoned hogſhead of tobacco; and for inſpecting, turning up, coopering, finding nails, hoops and iſſuing notes for each rolled hogſhead of tobacco, the ſum of ſeven ſhillings; and for each and every hogſhead of transfer tobacco by the ſaid Inſpectors prized, turning up, coopering, finding nails, hoops and iſſuing notes for the ſame, the ſum of fifteen ſhillings and no more, under the penalty of ten pounds for each and every offence, to be recovered upon conviction before any juriſdiction having cognizance thereof, one half to the uſe of the informer, the other half to the uſe of the poor of the county where ſuch Inſpectors reſide. 1791.

II. *And be it further enacted by the authority aforeſaid*, That ſo much of the before recited act as comes within the purview and meaning of this act, be repealed and made void.

CHAP. XXX. *An Act to allow the county of Currituck a ſeparate Election.*

WHEREAS from the great length of the county of Currituck, and the many water-courſes which obſtruct the ſame, many of the inhabitants of ſaid county living near one hundred miles from the place of holding the annual elections and other public meetings in ſaid county: For remedy whereof, Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act the county of Currituck ſhall have two annual elections, one at the court-houſe as uſual, and the other to be held on Roanoke iſland at the houſe of Mr. Stephen Weſket, on the firſt Friday and Saturday in Auguſt annually, for the purpoſe of electing members of the General Aſſembly.

III. *And be it further enacted by the authority aforeſaid*, That the Sheriff of ſaid county ſhall cauſe the ſaid election to be advertiſed at ſix different places at leaſt, one month before the ſaid election, to wit, at the court-houſe at Indian-Ridge, Moyock, Powell's Point, Roanoke-Iſland and Hatteras-Banks.

II. *And be it further enacted by the authority aforeſaid*, That the Sheriff of ſaid county by himſelf or Deputy, ſhall attend at the houſe of Mr. Stephen Weſkett, on Roanoke iſland, on the aforeſaid firſt Friday and Saturday in Auguſt annually, and after the Inſpectors are appointed and ſworn in the uſual manner, ſhall open the poll at twelve o'clock on the aforeſaid day, and ſhall keep the poll open until ſun-ſet the firſt day, and as the law directs on the ſecond day; and in the preſence of the Inſpectors ſhall ſeal up the boxes in which the tickets are, and the ſame ſafely keep until the poll is cloſed on the laſt day of the election at the court-houſe; when the boxes ſhall be opened in the preſence of the Inſpectors of the election held at the court-houſe, which votes ſhall be counted and added to the votes which the different candidates may have got at the laſt election; and the perſons having the greateſt number of votes, ſhall be the members to repreſent the ſaid county in General Aſſembly or Convention as the caſe may be.

IV. *And be it further enacted by the authority aforeſaid*, That if any perſon after voting at the election on Roanoke-Iſland, ſhall vote at the election held at the court-houſe, he ſhall forfeit and pay as the laws directs in ſimilar caſes in other elections.

CHAP. XXXI. *An Act for the further regulation of the town of Newbern.*

WHEREAS the laws heretofore made for the regulation of the town of Newbern have not been ſufficient for the good purpoſes intended: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the Commiſſioners of the town of Newbern, or a majority of them, ſhall have full power and authority to levy a tax annually on the inhabitants of the ſaid town, and the landed property within the limits thereof, ſufficient for keeping the ſtreets in good repair, ſupplying the people with plenty of water, eſtabliſhing a fire company, providing a fire-engine and buckets, for the uſe and benefit of the town, and for ſuch other good purpoſes as they the ſaid Commiſſioners may judge neceſſary: *Provided*, the ſaid tax doth not exceed the ſum of ten ſhillings on each of the taxable inhabitants, nor the ſum of ten ſhillings on each hundred pounds value of landed property, in any one year. And the Commiſſioners of the ſaid town of Newbern ſhall appoint annually one or more collectors of taxes, who ſhall have authority to ſerve warrants and other notices or orders, iſſued by the Commiſſioners, or any Juſtice of the Peace, at their inſtance or requeſt, for fines, penalties and taxes, levy executions, and do all and every neceſſary duty

1791. in order to collect and receive all ſuch fines, penalties and taxes; and ſhall be entitled to take and receive for every warrant, including the execution, the ſum of three ſhillings; and for every diſtreſs and ſale, where there is no warrant, the like ſum of three ſhillings, for his ſervices, and no more; any thing in law to the contrary notwithſtanding.

II. *And be it further enacted by the authority aforeſaid*, That all lawful fines, penalties and taxes, laid and ordered by the Commiſſioners of Newbern, if not paid or diſcharged in due time, ſhall be recoverable by warrant before any Juſtice of the Peace, who if the penalty hath been incurred, or the tax ſhall appear to be due, ſhall give judgment and execution accordingly, either againſt the perſon or property of the delinquent, at the option of the Commiſſioners; and no appeal ſhall be granted on any ſuch trial, nor any ſtay of execution, unleſs the judgment ſhall exceed the ſum of forty ſhillings, in which caſe ſtay of execution may be granted on ſecurity, for any time not exceeding ten days, and the ſecurity ſhall be liable to the judgment, and execution may iſſue againſt his perſon or property, if required; any thing in any law mentioned to the contrary notwithſtanding.

III. *And be it further enacted by the authority aforeſaid*, That in caſe any veſſel ſhall hereafter arrive within the county of Craven, having the ſmall-pox, or any other dangerous or infectious diſtempers on board, the Juſtices of the Peace, and alſo the Commiſſioners of the town of Newbern, ſhall and may have and exerciſe all and ſingular the powers and authorities heretofore in ſuch caſe given to the Commiſſioners of navigation, by an act of the General Aſſembly, paſſed in the year one thouſand
2, 1777, 18. ſeven hundred and ſeventy-ſeven, entitled, "an Act to regulate the pilotage of Cape-Fear and Occacock bears, and the rivers leading from the ſame to Brunſwick, Wilmington, Newbern, Bath and Edenton;"* and the pilot and maſter of every ſuch veſſel, ſhall give notice of ſuch infectious diſtemper being on board to ſome two of the Juſtices of Peace, or to the Commiſſioners aforeſaid, in due time, and ſhall ſtrictly do and perform quarantine in ſuch manner as they may direct reſpecting ſuch diſtemper, the veſſel, and perſons on board or belonging thereto, under the penalties and forfeitures mentioned in the aforeſaid act, to be recovered in any court of record, and applied one half to the perſon ſuing for the ſame, and the other half to the Commiſſioners, for the uſe and benefit of the town.

IV. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners of the town of Newbern, for the time being, to cauſe the taxes of the ſaid town, and all arrearages of taxes, to be collected either in the manner herein before mentioned, or as the law directs for the collection of public taxes; and nothing in this act ſhall prevent the Commiſſioners from making ſuch further allowance to the town collector, out of the public monies in their hands, for extraordinary ſervices, as they may deem juſt and reaſonable.

t

CHAP. XXXII. *An Act to eſtabliſh a ſeminary of learning in the town of Wadesborough in Anſon county.*

Private. WHEREAS the eſtabliſhing a ſeminary of learning in the town of Wadeſborough in the ſaid county for the education of youth, will be attended with great productions to the ſtate in general and the county of Anſon in particular:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Honourable Samuel Spencer, Eſq. John Auld, Holden Wade, James Pickett, Patrick Boggan, William Johnſton, Burwell Lenier, James Marſhal, William Pegues, Calvin Spencer, Morgan Brown, jun. and William Thomas, be and they are hereby conſtituted and appointed Truſtees, with full power and authority to receive all donations, gifts or gratuities into their hands and poſſeſſion, and money and other property which may be ſubſcribed for the purpoſe of erecting and ſupporting the ſaid ſeminary of learning in the county of Anſon, by the name of Stokes: And the ſaid Truſtees and their ſucceſſors ſhall be able and capable in law, to aſk for, demand, recover, receive and poſſeſs of the ſeveral ſubſcribers, all ſums by them reſpectively ſubſcribed, and in caſe of refuſal of any of them to pay the ſame, to ſue for and recover by action of debt or otherwiſe, in the name of the Truſtees, the ſum which ſuch perſon ſo refuſing ſhall have ſubſcribed, in any juriſdiction having cognizance thereof; and the monies when collected and received to be applied by the ſaid Truſtees, or a majority of them, towards defraying the expence of employing a Tutor or Tutors,

* The Hon. Mr. IREDELL, in his reviſal p. 342, has the following note, to the title of this act. *Repealed by* 1783, *C.* 20. So much, of this repealed act as is neceſſary, will be inſerted in the appendix to this Collection.

and building a houſe for that purpoſe in ſaid town, and to perform every act or thing which they, or a majority of them, ſhall think neceſſary and expedient for the advancement of ſaid ſeminary and the promotion of learning therein. 1791.

II. *And be it further enacted by the authority aforeſaid,* That the Truſtees herein before mentioned ſhall, previous to their entering on the execution of the truſt repoſed in them by this act, give bond to the court of the county, payable to the Chairman or his ſucceſſor, in the ſum of one thouſand pounds ſpecie each, with condition that they ſhall well and faithfully account for and apply all gifts, gratuities, donations, bequeſts and monies, which they may receive of and by virtue of this act for the purpoſes aforeſaid.

III. *And be it further enacted by the authority aforeſaid,* That if any of the Truſtees by this act appointed, ſhall die, refuſe to act or remove that he or they cannot attend the duties of their appointment, a majority of the remaining Truſtees may appoint another or others in his or their room and ſtead, who ſhall exerciſe the ſame powers as Truſtees appointed by this act; and when met together ſhall have power and authority to appoint a Tutor or Tutors and a Treaſurer; and alſo to make and ordain ſuch rules and regulations, not repugnant to the laws of this ſtate, for the well ordering of the ſtudents, their moral virtues and academical exerciſes, as to them ſhall ſeem meet; and to give certificates to ſuch ſtudents as ſhall leave the ſaid ſeminary, certifying their literary merit. *Provided,* That they ſhall not confer any degree, ſuch as Batchelor or Maſter of Arts, or Doctor in any faculty. In general they ſhall and may do all ſuch things as are uſually done by bodies corporate and politic, or ſuch as may be neceſſary for the promotion of learning and virtue. And the ſaid Truſtees or a majority of them are hereby impowered, and ſhall have lawful authority to remove the Tutor or Tutors, Treaſurer, or any of them, if they ſhall think it neceſſary, and on the death, reſignation or refuſal to act, of any of them, to appoint others in the ſtead of thoſe diſplaced, dead or refuſing to act.

IV. *And be it further enacted by the authority aforeſaid,* That the Truſtees by this act appointed or a majority of them, and their ſucceſſors, ſhall meet annually on the third Monday in January in each and every year, or at any other time they may think convenient, and elect a proper perſon out of their own body, to preſide for the term of one year, who may convene the Truſtees at any time neceſſity may require.

V. *And be it further enacted by the authority aforeſaid,* That the Treaſurer of ſaid board of Truſtees, ſhall enter into bond with ſufficient ſecurity to the ſaid Truſtees, conditioned for the faithful diſcharge of the truſt repoſed in him by this act; and that all monies and chattels that ſhall be in his hands, ſhall be immediately paid in the hands of the ſucceeding Treaſurer; and every Treaſurer ſhall receive all monies, donations, gifts, gratuities, bequeſts and chattels, that may belong or accrue to ſaid ſeminary.

CHAP. XXXIII. *An Act for levying a Tax on the Inhabitants of the County of Bertie for the Purpoſe of building a Houſe in the ſaid County for the Reception and Employment of the Poor thereof.*

I. & II. *Temporary.*

III. AND *be it further enacted,* That the Commiſſioners by this act appointed, are empowered to fix upon a proper place for the erection of ſuch building, and either to buy or receive by way of donation ſuch lands as may be convenient for the ſame, and to take a deed therefor from the former proprietor or owner to the Wardens of the poor of the ſaid county to and for the uſe of the poor thereof; which deed ſhall be recorded in the proper office, and lodged with the Clerk of the court of ſaid county: And the ſaid Commiſſioners are hereby further authoriſed to uſe their own diſcretion with reſpect to the ſize and dimenſion of ſaid houſe, and the manner of erecting the ſame. Private.

IV. *And be it further enacted,* That the ſaid houſe when compleated, ſhall be under the care and management of the Wardens of the poor of ſaid county, to admit therein ſuch perſons as they may think proper objects of public charity, to provide ſuitable proviſion and apparel for them, and to make ſuch arrangements for their convenient and uſeful employment as to them may appear moſt advantageous.

V. And whereas it is repreſented to this General Aſſembly that a number of perſons in the county of Bertie, have ſubſcribed conſiderable ſums for the benevolent purpoſe of erecting ſuch building: *Be it alſo enacted,* That the Commiſſioners are empowered to receive ſuch ſubſcriptions; and are alſo

1791. empowered by the name of the Commiſſioners for the poor-houſe of the county of Bertie, to ſue for and recover the ſum or ſums that are or may be ſubſcribed by any perſon or perſons whatever; and the Commiſſioners ſhall appropriate ſuch ſum or ſums of money in the ſame manner as herein before directed for the tax hereby laid, and ſhall account for and pay over the balance that may remain in their hands alſo in the ſame manner.

Temporary.

CHAP. XXXIV. *An Act to authoriſe the Wardens of the Poor in the County of Martin to lay a further Tax for the Support of the Poor in ſaid County.*

CHAP. XXXV. *An Act to amend the ſeveral Acts now in Force for the Regulation of the Town of Fayetteville.*

Private.

1783, 25, 108.*
2,'84, 32, 144.*
1787, 29, 204.*
1788, 38, 218.*

WHEREAS the laws heretofore made for the regulation of the town of Fayetteville, are found inadequate to the good government thereof:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act the Commiſſioners of the ſaid town for the time being, ſhall have power to lay and levy a tax annually, not exceeding ten ſhillings on every hundred pounds value of taxable property within the town, including ſlaves, and a proportionable poll-tax on all perſons who do not poſſeſs in the ſaid town the value of one hundred pounds taxable property.

II. *And be it further enacted by the authority aforeſaid,* That the Commiſſioners of the town at any meeting after the firſt day of April next, ſhall with the aid of the county Surveyor, lay off and aſcertain the boundaries of the ſaid town; and ſhall alſo from time to time have power to make ſuch rules and ordinances reſpecting the eſtabliſhment and regulation of the markets, and alſo to the weight and aſſize or price of bread as to them may ſeem requiſite and juſt.

III. And whereas the keeping in repair the public landing of the ſaid town is attended with conſiderable expence: *Be it further enacted,* That the Commiſſioners ſhall have power to levy ſuch tax annually on all boats which may make uſe of the ſaid landing as to them may ſeem equitable and juſt; provided that no boat under the burthen of twenty barrels ſhall be liable to ſaid tax.

IV. And whereas doubts have ariſen whether the power of the Commiſſioners extends to laying and collecting a tax on waggons, carts and drays employed in the ſaid town, in conveying articles of commerce and agriculture to and from the public landing: *Be it therefore enacted,* That the ſaid Commiſſioners ſhall have power to lay and collect a tax on all waggons, carts and drays which may be ſo employed, and make ſuch rules and ordinances thereon, as to them may ſeem proper. *Provided,* That nothing herein contained ſhall be conſtrued to extend to any waggons, carts or drays which are not employed for more than ſix days ſucceſſively.

V. *Be it further enacted,* That the day of election for magiſtrates of police, and Commiſſioners for the ſaid town, ſhall hereafter be on the firſt Monday in February annually.

VI. *Be it further enacted,* That all clauſes and parts of clauſes of acts heretofore made and coming within the meaning and purview of this act, be and the ſame are hereby repealed.

CHAP. XXXVI. *An Act to amend an Act, entitled, 'an Act to make Croſs-Creek navigable.'*

Private.

1790, 32, 238.*
1793, 35.

WHEREAS it has been made appear to this General Aſſembly that the time allowed for making the ſaid navigation uſeful, is not ſufficient:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, four years ſhall be allowed to the Fayetteville canal company for making the ſaid navigation uſeful.

II. And in order to encourage a work of ſuch public utility, *Be it further enacted by the authority aforeſaid,* That the ſaid company are hereby authoriſed and empowered to levy by way of toll, on all goods, wares and merchandize, and on all rafts, boats and veſſels of every denomination, ſuch ſums of money as they ſhall think proper. *Provided nevertheleſs,* That twenty years after the firſt collection the toll ſhall be ſubject to the controul of the General Aſſembly, if they ſhall think proper to interfere.

III. *And be it further enacted,* That whomſoever ſhall wilfully damage any part of the works,

locks, houſes, machinery belonging to the ſaid company, or throw rubbiſh, ſtone, gravel or any other thing, into the ſaid creek or locks, by which the work or navigation may be impeded, except where ſuch materials may be neceſſary for mill-dams, ſhall be ſubject to a fine of ten pounds, and pay ſuch further damages as may be awarded by any juridiction having cognizance thereof. 1791.

CHAP. XXXVII. *An Act to alter the Names of certain Perſons therein mentioned.*

Private.

WHEREAS Hannah Lloyd, widow of Roderick Lloyd, late of Edgecomb county, now deceaſed, hath petitioned the General Aſſembly to alter the names of Nicholas Haynes, Mary Haynes, and Ann Haynes, children of the ſaid Hannah, begotten by the ſaid Roderick before their intermarriage: And whereas Suſannah Hampton does petition to alter the names of Nathaniel Hampton and Job Hampton, children of the ſaid Suſannah, begotten by Zephaniah Pinkam:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That forever hereafter the ſaid Nicholas Haynes, Mary Haynes and Ann Haynes, the illegitimate offspring of the ſaid Hannah Lloyd, formerly Hannah Haynes, ſhall be known, diſtinguiſhed and called by the name of Nicholas Lloyd, Mary Lloyd and Ann Lloyd; and the ſaid Nathaniel Hampton and Job Hampton ſhall be called and known by the name of Nathaniel Pinkam and Job Pinkam; and by thoſe names ſhall reſpectively take, inherit and claim any eſtate, either real or perſonal, which may be deviſed or may deſcend to them, in the ſame manner as if they had been born in wedlock; and they ſhall alſo by the ſaid names reſpectively ſue and be ſued, anſwer and be anſwered, plead and be impleaded, and in every reſpect be conſidered, to every intent and purpoſe, in the ſame ſituation and condition as if they had been the legitimate iſſue of the ſaid Roderick and Hannah, or of the ſaid Zephaniah and Suſannah.

II. And whereas Joſhua Campbell, John Barrott and Wright Barrott, of the county of Robeſon, have ſeverally petitioned this General Aſſembly to have their names altered, Joſhua to that of Joſhua Pharoah, John Barrott to that of John Flowers, and Wright Barrott to that of Wright Leggett; *Be it therefore enacted by the authority aforeſaid,* That forever hereafter they and each of them ſhall be called and known by the names of Joſhua Pharoah, John Flowers and Wright Leggett; and that by the ſaid laſt mentioned names they may ſue and be ſued, plead and be impleaded; and in every caſe, under the names aforeſaid, enjoy the ſame privileges, emoluments and advantages, as if they had been born under the names of Pharoah, Flowers and Leggett.

CHAP. XXXVIII. *An Act to incorporate a Fire Company in the town of Fayetteville.*

Private.

WHEREAS it hath been made appear to this General Aſſembly that the forming a company for the better ſecurity of buildings and other property in Fayetteville from fire, is highly neceſſary and expedient: And whereas a number of the inhabitants of the ſaid town having, with a degree of public ſpirit worthy of imitation, procured an engine and other implements requiſite to prevent the calamities attendant thereon:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act Robert Adam, Robert Donaldſon, John Ingram, James Brannon, James Howat, David Anderſon, Robert M'Farland, David N'Neal, Andrew Clark, Peter A. Tarbe, John Willis, John Wilſon, Kenneth Murcheſon, John Ecles, Robinſon Mumford, William Cochran, Iſaac Hawley, Eliſha Stedman, John Winſlow, Peter Strong, John Burke, James Ritchie, Robert Cochran, Robert H. Norris, James Leonard, James Thorborne, Dolphin Davis, Alexander M'Iver, Peter Fabree, Peter Perry, Duncan M'Auſlin, William B. Grove, and James Porterfield, and ſuch others as may hereafter be admitted into their company for the purpoſe aforeſaid, are hereby declared to be a body corporate by the name of the Fayetteville fire company No. 1.

II. *And be it further enacted by the authority aforeſaid,* That the ſaid company ſhall be capable to ſue be and ſued, plead and be impleaded, before any juriſdiction in this ſtate having cognizance thereof; and that they may elect and appoint all neceſſary officers, and from time to time to form ſuch rules, regulations and bye laws as they may think proper for the good government of ſaid company. *Provided* ſuch rules, regulations and bye-laws ſhall not be repugnant to or inconſiſtent with the laws and conſtitution

1791. of this ſtate.

III. *And be it further enacted by the authority aforeſaid*, That in caſe of a fire breaking out and ſpreading ſo as imminently to endanger and threaten the deſtruction of the adjoining houſes, two of the officers of the ſaid company, together with two or more of the Commiſſioners of ſaid town, ſhall and they are hereby declared to be veſted with full and complete power and authority to direct and cauſe ſuch houſe or building, or any adjoining one, to be blown up with powder, or otherwiſe deſtroyed to prevent the flames from ſpreading; and ſhall not be held or deemed reſponſible for any loſs or damage that may be ſuſtained by the owner or owners of any ſuch houſe or building; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XXXIX. *An Act to annex Part of Robeſon to Cumberland County.*

Private.

WHEREAS the annexing part of the county of Robeſon to Cumberland, would tend to the eaſe and convenience of thoſe who inhabit the ſame:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, all that part of Robeſon county included in the following bounds, to wit, Beginning at the mouth of Colecamp branch, thence up ſaid branch to the main road from Lumberton to Fayetteville, thence a direct line to the bridge acroſs Great-Rockfiſh, below Leggit's plantation, thence up ſaid Rockfiſh to the line of Cumberland county, be and the ſame is hereby annexed to and ſhall be and remain a part of the county of Cumberland. *Provided*, That nothing herein contained ſhall be underſtood to prevent the Sheriff of Robeſon county from collecting all taxes now due in that part of the county which comes within the deſcription of this act.

II. *And be it further enacted*, That Jacob Rhodes, John Regan, Joſeph Thims, Robert Raiford and James Jackſon, Eſquires, are hereby appointed, and they or a majority of them are empowered and required to run the ſaid dividing line agreeable to the directions of this act, and to cauſe the ſame to be entered on the records of each of the ſaid counties, and the ſame ſhall be deemed and taken to be the line as intended by this act.

CHAP. XL. *An Act to improve the Navigation of New-River in Onſlow County.*

Private.

WHEREAS the navigation of New-River is greatly obſtructed by ſome ſmall ſandy ſhoals near the mouth of the river, and it being repreſented to this General Aſſembly that an improvement of the ſaid navigation is practicable, and that the inhabitans of New-River have made ſubſcriptions for that purpoſe:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Thomas Johnſton, John Spicer, Chriſtopher Dudley, Robert W. Snead, Thomas Snead, Edward Ward, William Cray, Zachariah Barrow, Aſa Hatch, Holſten Roberts, James Foy, Woodhouſe Rhodes and Ely Spicer, Eſquires, be and they are hereby appointed Commiſſioners, and declared to be a body politic and corporate, and as ſuch they ſhall be capable to ſue and be ſued, plead and be impleaded, under the name and ſtile of the Commiſſioners of New-River navigation; and they or a majority of them are hereby authoriſed and empowered to receive ſubſcriptions for the purpoſe aforeſaid, and to collect and receive ſubſcriptions for the purpoſe aforeſaid, and to collect and receive all the articles, money or other things which are or may be ſubſcribed for the purpoſe aforeſaid; and they are alſo authoriſed and empowered to lay off, ſuperintend, conduct and carry on the ſaid work, make contracts and to do any thing neceſſary for the purpoſe aforeſaid.

II. *And be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners ſhall regularly and truly account with the county court of Onſlow, at each term, for the money and other articles by them received.

III. *Be it further enacted by the authority aforeſaid*, That if there ſhould be more ſubſcribed than would be ſufficient for the intended purpoſe aforeſaid, the overplus ſo ſubſcribed ſhall be refunded to the ſubſcribers reſpectively in proportion to the ſum each ſubſcriber may have reſpectively ſubſcribed.

CHAP. XLI. *An act to prevent the obſtruction of fiſh running up New-River in Onſlow county.* 1791.

Private.

WHEREAS ſundry perſons have conſtructed large ſeines, which ſtop fiſh at a narrow paſs at or near the inlet, ſo as to prevent fiſh from paſſing up the river, by which means the inhabitants are to their great injury, deprived of the natural advantages they before have enjoyed, and the inhabitants having petitioned this General Aſſembly for redreſs of the ſaid grievance: In compliance to which,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the firſt day of June next, no perſon or perſons ſhall ſet or draw any ſeine in any part of New-River below a place known by the name of Hatch's Point; nor any ſeine or net of more than twenty maſhes deep and forty fathoms long, at any place below a point known by the name of Old-Town-Point.

This ſection partly repealed by 1793, 36.

II. *And be it further enacted by the authority aforeſaid,* That each and every perſon or perſons offending againſt the true intent and meaning of this act, ſhall forfeit and pay the ſum of twenty pounds for each and every offence ſo committed, to be recovered before any Juſtice of the Peace having cognizance thereof, one half to the informer and the other to the uſe of the pariſh in the county aforeſaid; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XLII. *An act to eſtabliſh an academy in the county of Onſlow.*

Private.

WHEREAS the eſtabliſhing public ſeminaries of learning for the proper education of youth, is eſſential to the happineſs and proſperity of the community, aud therefore worthy of legiſlative attention; and the erecting an academy in Onſlow county will be of particular advantage to the inhabitants of that county:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That an academy for the education of youth be erected and eſtabliſhed at or within twelve miles of the court-houſe in Onſlow county, at the place the Truſtees or a majority of them may fix on, they firſt obtaining a deed of conveyance in fee ſimple, either by purchaſe of, or donation from the proprietor, for the uſe and purpoſe of the ſaid academy, which ſhall be under the name, ſtyle and title of the Onſlow academy.

II. *And be it further enacted by the authority aforeſaid,* That John Starkey, Edward Starkey, Reuben Grant, Chriſtopher Dudley, Thomas Johnſon, Daniel Yeates, Robert W. Snead, John Spicer, William Gibbs, Edward Ward, Kilby Jones, Amos Love, James Foy, William Cray and George Hazard, Eſquires, they, and their ſucceſſors to be elected in manner herein after directed, ſhall forever be a body politic and corporate in deed and in name, by the ſtyle of the Truſtees of Onſlow Academy; and by the ſame name, they and their ſucceſſors ſhall and may have perpetual ſucceſſion, and be able and capable in law to receive, take, and enjoy to them and their ſucceſſors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee or in perpetuity, and alſo eſtates for lives and for years, and all ſums of money, goods, chattels and things whatſoever, of any nature, quality or value, for building, erecting or ſupporting the ſaid academy, paying ſalaries to the Preſident, Profeſſors and Tutors therof. And by ſaid name, they and their ſucceſſors ſhall and may be able to implead and be impleaded, anſwer and be anſwered unto, defend and be defended, in all courts and places, and before all Judges and Juſtices whatſoever, in all actions, pleas, plaints and demands; and to grant, bargain, ſell or aſſign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatſoever for the uſe aforeſaid, in as full and ample a manner and form, as any natural perſon or body politic or corporate can or may by law: That they ſhall and may have a common ſeal for the buſineſs of them and their ſucceſſors, with liberty to change, break, alter or make new the ſame, from time to time, as they ſhall think proper.

II. *And be it further enacted by authority aforeſaid,* That the ſaid Truſtees or a majority of them, ſhall have full power and authority to meet at all times when they ſhall think proper, at the court-houſe aforeſaid, to deliberate, reſolve upon and carry into effect the laws and regulations to be by them made for the government of the ſaid academy; and ſhall have full power to fill up any vacancies which may happen in the ſaid incorporated body of Truſtees, by the death, refuſal to act, reſignation or removal out of the ſtate of any its members; and the perſons appointed to fill ſuch vacancies, ſhall be

1791. and are hereby declared to have the ſame power and privileges as the Truſtees named in and by this act.

IV. *And be it further enacted by the authority aforeſaid,* That the ſaid Truſtees or a majority of them, be and they are hereby authoriſed and empowered to convene at the court-houſe aforeſaid, on the ſecond Tueſday in July next after the paſſing of this act, and then and there elect and conſtitute by commiſſion under their hands, or the hands of a majority of them, and ſealed with the common ſeal of the corporation, a proper perſon to preſide at the ſaid academy, who ſhall be a Truſtee during his continuance in office, and be veſted with the ſame powers, privileges and authorities as any Truſtee named in and by this act; and ſuch Preſident, and the Truſtees or their ſucceſſors, or a majority of them, at all other times thereafter, when met together at the place aforeſaid, ſhall have full power and authority to elect and conſtitute one or more Profeſſors or Tutors, a Secretary and Treaſurer; and alſo to make and ordain ſuch laws, rules and regulations (not repugnant to or inconſiſtent with the conſtitution and laws of this ſtate) for the well ordering and governing the ſtudents, their morals, ſtudies and academical exerciſes, as to them ſhall ſeem meet; and to give certificates to ſuch ſtudents as ſhall leave the ſaid academy, certifying their literary merit and the progreſs they ſhall have made in uſeful knowledge: In general they ſhall and may do all ſuch things as are generally done by bodies corporate and politic, or ſuch as may be neceſſary for the promotion of learning and virtue.

V. *And be it further enacted by the authority aforeſaid,* That the ſaid Truſtees or a majority of them, are hereby authoriſed and declared to have power to remove or diſplace the Profeſſors or Tutors, the Secretary and Treaſurer, or any of them, if they ſhall find it neceſſary, and appoint others in their ſtead; and in caſe of the death, reſignation or refuſal to act of the Preſident, or any of the ſaid Profeſſors or Tutors, Secretary or Treaſurer, others ſhall be elected by ſuch Truſtees, in the room and ſtead of thoſe dead, reſigning or refuſing to act.

VI. *And be it further enacted by the authority aforeſaid,* That every Treaſurer appointed by the Truſtees aforeſaid, previous to the entering on the execution of his office, ſhall enter into bond in the ſum of one thouſand pounds, payable to the Truſtees aforeſaid, conditioned for the faithful diſcharge of the duties of his office and the truſt repoſed in him, and that all monies and chattels belonging to the ſaid corporation which ſhall be in his hands at the expiration of his office, ſhall be immediately paid and delivered into the hands of his ſucceſſors in office; and every Treaſurer ſhall receive all monies, donations, gifts, bequeſts and charities whatſoever that may belong or accrue to the ſaid academy during his office, and at the expiration thereof ſhall account with the Truſtees for the ſame, and on his neglect or refuſal to pay and deliver to his ſucceſſors as aforeſaid, the monies and chattels in his hands, the ſame mode of recovery ſhall and may be had againſt him, as is or may be had for the recovery of monies from Sheriffs and other perſons chargeable with public monies.

CHAP. XLIII. *An Act to confirm the proceedings of the County Courts of the diſtricts of Halifax and Edenton.*

Private.

WHEREAS the alteration of the courts by the laſt ſeſſion of the General Aſſembly at Fayetteville, has produced great confuſion and irregularity in the ſeſſions of the courts of pleas and quarter ſeſſions of the diſtricts of Halifax and Edenton:

1790, 7, 697. I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all the proceedings had in any of the courts of pleas and quarter ſeſſions of the diſtricts aforeſaid, ſince the laſt ſeſſion of the General Aſſembly; are hereby confirmed and held valid; any irregularity therein as to the time of holding the ſame, or law to the contrary, in any wiſe notwithſtanding.

CHAP. XLIV. *An act to empower the county court of Duplin to lay a higher county tax, and to amend an act, entitled, 'an Act for the building a court-houſe in the town of Wilmington, for the diſtrict of Wilmington.'*

1790, 31, 237.*

Private.

II. AND whereas by the act, entitled, "An Act for the building a court-houſe in the town of Wilmington, for the diſtrict of Wilmington," the Commiſſioners are directed to build the ſame on an oval form, which is found to be inexpedient: *Be it therefore enacted by the authority aforeſaid,* That the ſaid Commiſſioners may build the court houſe aforeſaid of an octagon, or ſuch other form as they may deem moſt eligible.

The firſt ſection has had its effect.

III. *And be it further enacted,* That James Bloodworth and John A. Campbell, Eſquires, be added to the Commiſſioners for the purpoſe aforeſaid.

CHAP. XLV. *An act to amend an act, entitled, 'an Act for the better regulation of the town of Tarborough.'* 1791.

Private. 1785, 20, 153. 1792, 51.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That five commiſſioners for the town of Tarborough ſhall be choſen annually on the firſt Monday of May, and the Sheriff for the county of Edgcomb, or his Deputy, is hereby required to attend at the court-houſe on the ſame day, and at the hour of ten o'clock in the morning, to open the poll, and receive tickets in the preſence of two Inſpectors, being freeholders of the ſaid town; and when the elect on ſhall be finiſhed ſuch returning officer and Inſpectors ſhall, in the preſence of ſuch of the electors as chooſe to attend, examine and number the ballots, and the perſons having the greateſt number of ballots ſhall be declared duly elected; but when two or more perſons ſhall have an equal number of votes, the returning officer ſhall have the caſting vote, but ſhall not vote in any other caſe whatever; and in like manner the ſaid Sheriff or his Deputy, firſt giving ten days notice by public advertiſement, ſhall on the firſt Monday in May in every year afterwards, in the ſame manner, open the poll, receive the tickets and proclaim the Commmiſſioners for the enſuing year, under the penalty of fifty pounds for every neglect or refuſal, to be recovered by action of debt in the court of the county of Edgcomb, by any perſon who ſhall ſue for the ſame in one year after ſuch neglect or refuſal, one half to the proſecutor, the other half to the Treaſurer of the town for the uſe of the town. *Provided always,* That the ſaid commiſſioners ſhall be freeholders in the ſaid town of Tarborough and reſident therein.

II. *And be it further enacted,* That the ſaid commiſſioners ſhall and are hereby authoriſed to make to the ſaid Sheriff, ſuch compenſation for his ſervices, as may to them appear ſufficient and proper.

III. *And be it further enacted by the authority aforeſaid,* That the Commiſſioners ſhall have power and authority, by virtue of this act, to nominate and appoint a town Conſtable, for the purpoſe of executing the orders and judgments of the ſaid Commiſſioners, in the ſame manner and with the ſame powers as Conſtables appointed by the county courts of this ſtate.

IV. *And be it further enacted by the authority aforeſaid,* That all acts and parts of acts, which reſpect the original appointment of Commiſſioners of the ſaid town, or annual election of the ſame and no more, which come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XLVI. *An Act to emancipate certain perſons therein named.*

Private.

WHEREAS ſundry petitions have been preſented to this General Aſſembly, praying that Auſtin Curtis, a mulatto ſlave belonging to Willie Jones; Grace, and her children, to wit, Richard, Harriot, Samuel, Rebecca and Elizabeth, formerly the property of John Davis, deceaſed; Abſalom Spicer, formerly the property of Benjamin Ruſh; and Rachel, formerly the property of Sarah Ruſh, deceaſed; Richard, Dolly, and her ſon Nathan, the property of George Merrick; and Linney, the property of John Spencer; and Richard and William, the property of the eſtate of Thomas Prichard, deceaſed, be liberated and ſet free:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the aforeſaid Auſtin Curtis by and under the name of Auſtin Curtis Jones; and the aforeſaid Grace, Richard, Harriot, Samuel, Rebecca and Elizabeth, by and under the names of Grace Davis, Richard Davis, Harriot Davis, Samuel Davis, Rebecca Davis and Elizabeth Davis; and the aforeſaid Abſalom Spicer and Rachel Spicer, by and under the names of Abſalom Spicer, and Rachel Spicer; and the aforeſaid Richard, Dolly and Nathan, by and under the names of Richard Green, Dolly Green, and Nathan Green; and the aforeſaid Linney, under the name of Linney Charlton; and Richard and William above mentioned, under the name of Richard Prichard Morris, and William Prichard Morris, ſhall be, and they, and each and every of them, are hereby declared to be free, by and under the names aforeſaid; and they, and each and every of them, ſhall from henceforward enjoy the protection of the laws and the benefits of the conſtitution of this ſtate, in the ſame manner as others of their colour who were born free. *Provided nevertheleſs,* That nothing herein contained ſhall be conſtrued ſo as to affect the title or claim of any perſon or perſons, other than the perſons named in this act.

1791.

CHAP. XLVII. *An Act for dividing the county of Dobbs.*

WHEREAS it is neceſſary for the peace and good order of the inhabitants of the county of Dobbs, that the ſame ſhould be divided :

Glaſgow & Lenoir counties erected.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the ſaid county of Dobbs be divided, by running a direct line from where the dividing line between the ſaid county of Dobbs and Wayne county croſſes Bear creek, to the head of Wheat ſwamp, a little above Richard Hodges', then down ſaid Wheat-ſwamp to William Killpatrick's, and from thence a direct line to the Craven county line, oppoſite the mouth of Little Contentney ; and that all that part of the late county of Dobbs, lying ſouth and ſoutheaſt of the ſaid lines, be held and deemed a diſtinct county, by the name of Lenoir : And that all the remainder of the ſaid late county of Dobbs, lying north and north-eaſt of the aforeſaid lines, be held and deemed a diſtinct county, by the name of Glaſgow.

Courts, where and when held.

II. And for the due adminiſtration of juſtice, *Be it enacted by the authority aforeſaid,* That courts for the ſaid counties of Lenoir and Glaſgow ſhall be quarterly held by the Juſtices thereof, that is to ſay, the county of Lenoir on the firſt Mondays of January, April, July and October, at the court-houſe in Kinſton, where the ſame is hereby permanently fixed, and to which all proceedings in the ſaid county of Dobbs ſtand adjourned ; and the county of Glaſgow, on the laſt Mondays of March, June, September and December, at the houſe of Benjamin Sheppard, at the place called Snow-Hill, at which place the court in the ſaid county of Glaſgow ſhall be held, until James Glaſgow, William Speight, William Ormond, William Harper and John Pope, Commiſſioners, ſhall fix on a place for building a court-houſe, priſon and ſtocks ; and all cauſes, matters and things depending in either of the ſaid courts, and all manner of proceſs returnable to each reſpective court of Lenoir and Glaſgow, ſhall be held by commiſſion to the Juſtices, in the ſame manner, and under the ſame rules and reſtrictions, and ſhall each have and exerciſe the ſame power and juriſdiction, as are or ſhall be preſcribed for other courts held for the ſeveral counties in this ſtate.

This ſection partly repealed by 1792, 19.

Former Sheriff of Dobbs empowered, &c.

III. *And be it further enacted by the authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the late Sheriff and Collectors of the ſaid county of Dobbs, as the ſame ſtood undivided, to make diſtreſs for any levies, fees, or other dues, now actually due and owing from the inhabitants of either of the ſaid counties, as it formerly ſtood undivided, in the ſame manner as by law the ſaid Sheriff or Collectors could or might have done if the ſaid county had remained undivided ; and the ſaid levies, fees and other dues, ſhall be collected and accounted for in the ſame manner as if this act had never been made ; any thing herein contained to the contrary notwithſtanding.

New counties part of Newbern Diſtrict.

IV. *And be it further enacted by the authority aforeſaid,* That after the paſſing of this act, the ſaid counties of Lenoir and Glaſgow ſhall be continued and remain a part of the diſtrict of Newbern ; and the ſaid county Treaſurers reſpectively, of Lenoir and Glaſgow, ſhall from time to time account for and pay to the Public Treaſurer of this ſtate for the time being, all public levies by each of them collected, wherewith they reſpectively ſhall ſtand chargeable, in the ſame manner, and under the like pains and penalties, as other county Treaſurers.

Dividing lines.

V. *And be it further enacted by the authority aforeſaid,* That Bryan Whitfield, Joſhua Croom, Etheldred Ruffin, John Holliday and John Jones, be appointed Commiſſioners, and are hereby empowered and required to run the dividing lines between the ſaid counties of Lenoir and Glaſgow, agreeable to the directions of this act ; which ſaid lines, when run by the Commiſſioners or a majority of them, ſhall by them be entered on record in each of the ſaid counties of Lenoir and Glaſgow, and ſhall thereafter be deemed and taken to be the dividing lines between the ſaid counties of Lenoir and Glaſgow.

Public buildings. This ſection partly repealed by 1792, 19.

VI. *And be it further enacted by the authority aforeſaid,* That James Glaſgow, William Speight, William Ormond, Joſhua Croom and Moſes Weſtbrook, the ſurvivor or ſurvivors of them, be and they are hereby empowered and directed, to agree and contract with workmen for erecting and building a court-houſe, priſon and ſtocks for the uſe of the county of Glaſgow, at ſuch place as the aforeſaid Commiſſioners or a majority of them ſhall agree upon ; and alſo a priſon and ſtocks in Kinſton, which, together with the court-houſe now there, ſhall be deemed a compleat ſet of public buildings for the ſaid county of Lenoir.

VII. And for reimburſing the Commiſſioners the money they ſhall expend in erecting the ſaid buildings, and running the dividing lines between the ſaid counties, *Be it enacted by the authority aforeſaid,*

That a tax of two ſhillings on each poll, and a tax of eight pence on every hundred acres of land for two ſucceeding years, ſhall be and is hereby aſſeſſed on the taxable property in the ſaid counties of Lenoir and Glaſgow; and that all perſons who ſhall neglect or refuſe to pay ſaid tax at the time limited for payment of public taxes, ſhall be liable to the ſame penalties and diſtreſs as for non-payment of public taxes; and the Collectors of the ſaid counties are hereby required to account for and pay the monies by them ſo collected to the Commiſſioners aforeſaid, after deducting three per cent. for their trouble in collecting the ſame; and in caſe of failure or neglect in any of the ſaid Collectors, ſuch Collector ſo failing or neglecting, ſhall be liable to the ſame penalties and recoveries, as by law may be had againſt Collectors of public taxes in like caſes. Tax.

VIII. And whereas it appears to this General Aſſembly, that the Clerk of the court in the late county of Dobbs hath reſided and held his office in Kinſton, in ſaid county: *Be it therefore enacted by the authority aforeſaid*, That the ſeveral papers and records of every kind whatever belonging to the ſaid Clerk's-Office, in the ſaid county of Dobbs, ſhall be by the ſaid Clerk delivered to the Clerk of the county court of Lenoir, who ſhall be held accountable for the ſame; and that all manner of ſuits, cauſes and pleas, whether civil or criminal, now commenced and depending in the late county court of the county of Dobbs, ſhall continue in the county court of Lenoir, and may be proſecuted to a final end and determination; any thing in this law to the contrary notwithſtanding. Clerk of Dobbs to give up records.

IX. *And be it further enacted by the authority aforeſaid*, That the courts of Lenoir and Glaſgow counties ſhall appoint three jurors to attend at every ſuperior court that ſhall be held for the ſaid diſtrict. Jurors.

X. *And be it further enacted by the authority aforeſaid*, That nothing in this act ſhall affect or be conſtrued to affect the appointments, either civil or military, in the ſaid county; but ſuch appointments and commiſſions ſhall be held and enjoyed by the perſons now holding them in the counties in which they may reſpectively reſide at the time of the diviſion. Proviſo.

CHAP. XLVIII. *An Act to carry into effect an act, paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-eight, entitled, 'an Act to amend an Act, paſſed at Hillſborough, in the year one thouſand ſeven hundred and eighty-three, entitled, an Act to veſt certain lands in fee ſimple in Richard Henderſon and others,' as well as to carry into effect the laſt recited act.* 1783, 38, 116.* 1, '84, 72, 142.* 1788, 48, 221.*

WHEREAS the lands granted by the laſt recited act are now ſurveyed as directed by the before mentioned act, by James Mayberry, Deputy-Surveyor under Stoakly Donaldſon, Surveyor of the county of Hawkins, in which county the ſaid lands lye and are ſituated, a plat or plan whereof is now returned by the ſaid Stoakley Donaldſon, ſigned by the ſaid Mayberry, Deputy-Surveyor as aforeſaid, bearing date the fifth day of May, one thouſand ſeven hundred and ninety-one: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid plat or plan, with a counterpart thereof, be returned into the Secretary's-Office, of this ſtate, one of which plats or plans ſhall remain in the Secretary's office, and the other annexed to the deed or grant which ſhall be made out for the lands ſo ſurveyed and laid down by the ſaid plat; and the Secretary is hereby authoriſed and required to make out a deed or grant for ſaid land purſuant to the ſaid plat, in the names of thoſe perſons in the before recited acts mentioned, purſuant to the act of Aſſembly in that caſe made and provided, and to the heirs and deviſees of ſuch of them as may have deceaſed ſince the paſſing the before recited act or acts, or either of them; which deed, grant or conveyance ſhall be good and ſufficient in law to fix the fee ſimple of ſuch lands in the ſeveral perſons, their heirs or deviſees, in ſuch proportions as by the ſaid act or acts was and is intended. *Provided nevertheleſs*, That nothing in this act contained, ſhall be conſtrued ſo as to oblige or require this ſtate to warrant, defend or guarantee the lands herein mentioned, nor ſhall the ſtate be liable for any damage or expence thereon.

CHAP. XLIX. *An Act for cutting a canal from Adam's creek, to open a communication between Neuſe river and the navigation of Old-Topſail inlet.*

WHEREAS the opening a communication by cutting a navigable canal from Adam's creek to North-river, will tend to promote and encourage the navigation and commerce of this ſtate, Private.

1791. by opening a more eaſy and ſafe conveyance for the produce of great part of this ſtate to the navigable and ſafe harbour within Old-Topſail inlet, near Beaufort ;

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Joſeph Leech, Charles Maclen, Southy Rew, John Eaſton, John Fulford, Benjamin Cherry, John Carruthers and John Carney, be appointed Commiſſioners for overſeeing, deſigning and laying out the ſaid canal ; and they are hereby empowered to lay off and deſign the ſame from Adam's creek to North river, in the manner which to them ſhall ſeem beſt to perfect the navigation thereof.

II. And whereas ſeveral public ſpirited gentlemen, being willing to further and promote a work of ſuch an intereſting nature to a commercial country, have offered to contribute to the ſame ; *Be it enacted by the authority aforeſaid*, That the ſaid Commiſſioners, or a majority of them, are hereby empowered from time to time to receive ſubſcriptions from any perſon or perſons who may be willing to contribute to the ſaid undertaking, and that when any ſum or ſums of money ſhall be ſubſcribed therefor, and the ſame not being regularly paid, the ſaid Commiſſioners or a majority of them are hereby authoriſed to commence actions for the ſame in any juriſdiction having cognizance thereof, to proſecute the ſame to a full recovery of all ſuch ſum or ſums of money ſo ſubſcribed.

II. *And be it further enacted by the authority aforeſaid*, That it ſhall and may be lawful for the ſaid Commiſſioners, and they are hereby authoriſed and empowered, to cut the ſaid canal through any perſon's land where they ſhall judge it neceſſary to continue and carry the ſame ; any law, uſage or cuſtom to the contrary notwithſtanding. *Provided nevertheleſs*, That all damages occaſioned by cutting the ſaid canal through the lands of any perſon, ſhall be valued by the county court, or by three freeholders on oath to be choſen by the court ; which value ſhall be paid to the proprietors of ſuch lands by the Commiſſioners mentioned in this act.

IV. *And be it further enacted by the authority aforeſaid*, That the ſaid canal when cut, and the lands appropriated for that purpoſe, ſhall be and remain forever thereafter for the uſe of the public, and ſhall be free from all tolls whatſoever.

CHAP. L. *An Act for altering the names of Anne Willie and others.*

Private. WHEREAS it has been repreſented to this General Aſſembly, that Anne Willie, Fanny Bedingfield, Edward Young, Archelius Moſs, George Bell and William Rhodes, citizens of this ſtate, would be much advantaged by having their names changed ; and the ſaid Anne, Fanny, Edward, Archelius, George and William, together with ſeveral reputable citizens on their behalf, having petitioned this General Aſſembly to that effect : In compliance therefore to their reſpective ſolicitations :

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the aforeſaid Anne Willie ſhall be called and known by the name of Anne Hicks, the aforeſaid Fanny Bedingfield ſhall be called and known by the name of Fanny Pace, the aforeſaid Edward Young ſhall be called and known by the name of Edward Johnſton, the aforeſaid Archelius Moſs ſhall be called and known by the name of Archelius Turton, the aforeſaid William Rhodes ſhall be called and known by the name of William Armſtead Freſhwater, and the aforeſaid George Bell ſhall be called and known by the name of George Alexander.

II. *And be it further enacted by the authority aforeſaid* That the aforeſaid Anne Willie, Fanny Bedingfield, Edward Young, Archelius Moſs, George Bell and William Rhodes, ſhall and may from henceforth inherit, have, poſſeſs and enjoy any eſtate or property that may be given to them by their reputed parents, or by any other perſon or perſons whatever, according and agreeable to their reſpective names as now altered by this act ; and by their names altered as aforeſaid, it ſhall and may be lawful for the aforeſaid Anne, Fanny, Edward, Archelius, George and William, to ſell or purchaſe any property whatever, to ſue and be ſued, to implead and be impleaded.

Private.

WHEREAS it may be beneficial to many citizens of this ſtate, that an inſpection of tobacco be eſtabliſhed in Pitt county, on the ſouth ſide of Tar river, at the town of Greenſville :

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the county court of Pitt ſhall annually appoint two diſcreet and careful men, well acquainted with the nature and quality of tobacco, to be Inſpectors thereof ; who ſhall take the ſame oath, be ſubject to the ſame rules, regulations and reſtrictions, which Inſpectors of tobacco are ſubject to in this ſtate.

II. *And be it further enacted by the authority aforeſaid,* That the Inſpectors ſo appointed ſhall have and receive from the owners of tobacco, the ſum of four ſhillings for each and every hogſhead, and the ſum of one ſhilling for each and every hundred weight of transfer tobacco by them inſpected, in full compenſation for their trouble.

II. *And be it further enacted by the authority aforeſaid,* That the tobacco ſo inſpected ſhall be held and deemed merchantable, as if the ſame had been inſpected at any other inſpection in this ſtate.

CHAP. LII. *An act forming the weſtern parts of Burke and Rutherford counties into a ſeparate and diſtinct county.*

WHEREAS the weſtern parts of Burke and Rutherford counties are very inconvenient to the court-houſes in the ſaid counties, which renders the attendance of jurors and witneſſes very burthenſome and expenſive, and almoſt impoſſible in the winter ſeaſon : And in order to remedy the ſame,

Buncombe county erected.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all that part of the counties of Burke and Rutherford, circumſcribed by the following lines, viz. Beginning on the extreme height of the Apachalian mountain, where the ſouthern boundary of this ſtate croſſes the ſame, thence along the extreme height of ſaid mountain to where the road from the head of Catawba-river to Swannanoe croſſes, then along the main ridge dividing the waters of South-Toe from thoſe of Swannanoe unto the great Black mountain, thence along ſaid mountain to the north eaſt end, then along the main ridge between South-Toe and Little-Crabtree to the mouth of ſaid Crabtree creek, then down Toe river aforeſaid to where the ſame empties into the Nollichucky river, then down the ſaid river to the extreme height of the Iron mountain and ceſſion line, then along ſaid ceſſion line to the ſouthern boundary, then along the ſaid boundary to the beginning, is hereby erected into a ſeparate and diſtinct county, by the name of Buncombe.

Juſtices.

II. And for the due adminiſtration of juſtice in the ſaid county of Buncombe, *Be it further enacted by the authority aforeſaid,* That the Juſtices nominated and commiſſioned in the ſaid county of Buncombe, ſhall have the ſame powers and juriſdiction as the Juſtices of the Peace have in any other counties in this ſtate.

Courts.

III. *And be it further enacted by the authority aforeſaid,* That the court for the ſaid county of Buncombe ſhall be conſtantly held on the third Mondays of January, April, July and October, and their firſt court ſhall be held at the houſe of William Davidſon, Eſquire, on Swannanoe but the Juſtices of the ſaid court may adjourn to any other place more convenient, until a court-houſe ſhall be built.

Commiſſioners to fix a place for the Court-Houſe.

IV. *And be it further enacted by the authority aforeſaid,* That Philip Hoodenpyle, William Brittain, William Whiſton, James Brittain and Lemuel Clayton, are hereby appointed Commiſſioners, to fix on the moſt central place in ſaid county, for the purpoſe of erecting a court-houſe, priſon and ſtocks.

Buildings.

V. *And be it further enacted by the authority aforeſaid,* That Benjamin Hawkins, William Whitſton and John Patton, are hereby appointed Commiſſioners, for the purpoſe of contracting with workmen to erect the neceſſary public buildings in ſaid county, as ſoon as the Commiſſioners ſhall fix on the centre.

Old Sheriff's powers.

VI. *And be it further enacted by the authority aforeſaid,* That nothing herein contained ſhall be conſtrued to debar the late Sheriffs of Burke and Rutherford, as they ſtood undivided, to make diſtreſs for any levies, fees, or other dues, now actually due or owing from the inhabitants of the ſaid counties of Burke and Rutherford, as they formerly ſtood undivided, in the ſame manner as by law the ſaid Sheriffs and Collectors could or might have done if the ſaid counties had remained undivided ; and the ſaid levies, fees and other dues, ſhall be collected and accounted for in the ſame manner as if

1791

this act had never been made; any thing herein contained to the contrary notwithstanding.

Old Sheriffs to account.

VII. *And be it further enacted by the authority aforesaid*, That the Sheriffs and other Collectors and holders of public money in the said county of Buncombe, shall from time to time account for and pay into the public treasury of this state, all public money wherewith they shall stand chargeable, in the same manner, and under the same pains and penalties by law, as any other Sheriffs and holders of public money are obliged to account in the state.

VIII. *Temporary.*

Suits prosecuted in Burke and Rutherford.

IX. *And be it further enacted by the authority aforesaid*, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the said county courts of Burke and Rutherford, shall continue and may be prosecuted to a final end and determination, in the same manner as if this act had never been made.

Jurors in Buncombe.

X. *And be it further enacted by the authority aforesaid*, That the court of the said county of Buncombe shall appoint five jurors to attend at every superior court for the district of Morgan.

Burke and Rutherford.

XI. And whereas the county of Burke appoints sixteen jurors to attend the superior court, and Rutherford court appoints nine jurors to attend the court; which in justice ought to be altered agreeable to the part taken off each county: *Be it therefore enacted by the authority aforesaid*, That the court of Burke, from and after the passing of this act, shall appoint twelve jurors to attend the superior court, and Rutherford ten jurors to attend the said court; any law to the contrary notwithstanding.

This section suspended by 1791, 74.

XII. *And be it further enacted by the authority aforesaid*, That the county court of Burke shall be constantly held on the fourth Mondays of January, April, July and October; and the county court of Wilkeson the Monday following the fourth Monday of January, April, July and October.

Justices.

XIII. *And be it further enacted*, That all Justices appointed either in the counties of Burke or Rutherford, which now reside in the county of Buncombe, shall exercise their offices in the same manner in the county of Buncombe, as they could have exercised them in the counties of Burke and Rutherford as they stood undivided.

CHAP. LIII. *An act for dividing Caswell county.*

Caswell county divided.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the first day of February next, the county of Caswell shall be equally divided by a line already run, beginning on the Virginia line, and running from thence south to the line of Orange county.

Person county erected.

II. *And be it further enacted*, That all that part of said county lying west of the line aforesaid, including the four western districts, shall continue and remain a distinct county by the name of Caswell; and that all that part lying east of said line including the four eastern districts, shall be erected into another distinct county by the name of Person.

Courts.

III. And for the due administration of Justice, *Be it enacted*, That the courts for the county of Caswell shall be constantly held on the fourth Mondays in March, June, September and December, in each and every year; and the courts for the county of Person shall be constantly held on the third Mondays in March, June, September and December, in each and every year; and the court for the county of Caswell, after the first day of February next, shall be held at Joseph Smith's, on the fourth Monday in March next; and the first court for the county of Person shall be held at the house of John Paine, on the third Monday in March next; and the Justices for each of the said counties of Caswell and Person are hereby authorised to adjourn to such places in their respective counties as they shall think most convenient, to hold all subsequent courts, until court-houses, prisons and stocks shall be built in each respective county.

Court-Houses.

IV. *And be it further enacted*, That the court-houses in the said counties shall respectively be as nearly central as possible, regard being had to springs and situation.

Commissioners.

V. *And be it further enacted*, That David Hart, Wyatt Stubblefield, David Shelton, Solomon Parkes, John Graves and William Muzzle, be appointed Commissioners for the county of Caswell; and James Jones, Goodly Warrell, Samuel Woods, John Womack and Stephen Mooore, be appointed Commissioners for the county of Person; which said Commissioners, or a majority of them, shall in their respective counties fix on the places where the buildings of said county shall be erected.

Old Sheriffs power.

VI. *And be it further enacted*, That the Sheriffs and Collectors of the county of Caswell shall have

full power and authority to collect, agreeable to law, all such taxes and arrears of taxes, and other dues, that may be due and owing from the inhabitants of said county at the time of dividing the same in the same manner as if the said county had remained undivided. 1791.

VII. *And be it further enacted*, That the Justices of the county courts of Caswell and Person shall each appoint four freeholders, to serve as jurors at the superior courts for the district of Hillsborough; and the said counties shall compose part of said district. Jurors.

CHAP. LIV. *An Act to amend an Act, entitled, 'An Act for erecting an academy at the town of Warrenton, in the district of Halifax,' passed at Fayetteville, in the year* 1786. 1786, 64, 187.*

WHEREAS it is represented to this General Assembly, that a majority of the Trustees appointed by the above recited act live at so great a distance from the town of Warrenton, a number sufficient to constitute a quorum to do business, cannot attend at the times appointed for the meeting of the Trustees, whereby many disadvantages arise, and the education of youth much diminished: For remedy whereof, Private.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, John Faulcon, William Alston, William Green, Thomas Alston, James Paine, Thomas Miller, Henry Montfort, Thomas Glouster, Marmaduke Johnston, William Eaton Johnston, Daniel Anderson, Robert Freeman, James Turner and James Collier, be and they are hereby constituted and appointed Trustees to the said academy, erected at the town of Warrenton, in addition to those appointed by the before recited act; and they are hereby vested with the same powers and authorities as those expressly named in and by the said act.

II. *And be it further enacted by the authority aforesaid*, That so much of the said recited act as comes within the purview and meaning of this act, is hereby repealed and made void.

CHAP. LV. *An Act to authorise William Wall, late Sheriff of Richmond county, to collect a tax due from said county for the purpose of building a prison and stocks in the district of Fayetteville, pursuant to an act passed at Fayetteville, in the year one thousand seven hundred and eighty eight.* Temporary.

CHAP. LVI. *An Act to enable the Sheriff of Beaufort county to hold an election for wardens of the poor in said county.* Temporary.

CHAP. LVII. *An Act to empower the county court of Rowan to lay a higher county tax.* Temporary.

CHAP. LVIII. *An Act for the inspection of tobacco at Skewarkey, on Roanoke river, in Martin county.*

WHEREAS the establishing a public inspection of tobacco at Shewarkey landing, on Roanoke river, in Martin county, would tend to encourage the commerce of the town of Williamston, in the said county: Private.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the county court of Martin shall annually appoint two discreet and careful men, who reside contiguous to the said landing, and are acquainted with the nature and qualities of tobacco, to be inspectors thereof; who when appointed, shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an act of the General Assembly, passed at Halifax, in the year one thousand seven hundred and seventy-seven entitled, "an Act to amend the staple of tobacco, and prevent frauds." 2, 1777, 12, 337.

II. *And be it further enacted by the authority aforesaid*, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of six shillings for every hogshead, and the sum of one shilling for every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto.

CHAP. LIX. *An Act for levying a tax to repair the court-house of the district of Edenton.* Temporary.

1791.

CHAP. LX. *An Act to incorporate a fire company in the town of Wilmington and Edenton, and for altering the times of holding the courts of pleas and quarter ſeſſions in New-Hanover.*

Private.

WHEREAS it is expedient to enable the citizens of this ſtate to prevent or alleviate the melancholy conſequences of fire breaking out in towns: And whereas it has been repreſented to this General Aſſembly, that the forming fire companies in the ſaid towns will have that tendency:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, John Lord, John Fergus, junior, James Fergus, James Walker, James Walker, junior, (ſon of James, ſenior,) William Nutt, Robert Wilkins, John Blakely, Joſeph Wright, Dennis Rearden, Joſeph Dugan, William Cutlar, ——— Jordan, John Allen, S. Springs, John London, Philip Spaulding, William Campbell, Iſaac Bernard, George Gibbs, D. Herbee, George Rundal, Henry Haſkins, Hugh Campbell, John Brown, John Brown, junior, Henry Urquart, Alexander Urquart, John M'Lelland, Lawrice Dorſey, Auley M'Naughton, Joſeph Milne, John M'Auſland, John Johnſon, George Hooper, William Hooper, Peter Harris, Thomas Younger, Thomas Callander, Richard Watſon, ——— Muter, John Telfair, ——— Lowder, John Walker and Nathaniel Hill, and ſuch others as hereafter they may admit into their aſſociation for the purpoſe aforeſaid, are hereby declared to be a body corporate, by the name of the Wilmington Fire-Company.

II. *And be it further enacted*, That William Lowther, Michæl Payne, Joſiah Collins, ſenior, Nathaniel Allen, William Littlejohn, Samuel Dickinſon, Samuel Tredwell, Joſeph Blount, Eliſha Norfleet, John Mare, Matthew O'Malley, Myles O'Malley, Madett Engs, James Granbery, Thomas Cox, Stephen Carpenter, Samuel Jackſon, William Borritz, Allen Ramſey, Samuel Butler, William M'Donald, William Rombough, John Hamilton, Thomas Iredell, Frederick Ramcke, John Little, Joſiah Collins, junior, Jacob Blount, and William Cumming, Eſquire, Counſellor at Law, and ſuch others as hereafter they or a majority of them preſent may admit into their aſſociation for the purpoſe aforeſaid, are hereby declared to be a body corporate, by the name of the Edenton Fire-Company.

III. *And be it further enacted by the authority aforeſaid*, That the ſaid companies reſpectively ſhall be capable to ſue and be ſued, plead and of being impleaded, before any juriſdiction having cognizance thereof; and that they may chooſe and appoint all neceſſary officers, and make ſuch private laws for their own government as they may deem right: *Provided*, That ſuch laws or regulations ſhall be conſiſtent with the conſtitution of the ſtate.

IV. *And be it further enacted by the authority aforeſaid*, That in all every caſe where a fire has broke out, and is ſpreading ſo as imminently to threaten general devaſtation, any three officers of the ſaid fire companies reſpectively, and two of the Commiſſioners of the ſaid towns reſpectively for the time being, may and they are hereby empowered, at their diſcretion, to remove, blow up, or pull down, any houſe or houſes which they may conceive neceſſary to prevent a communication of the flames; and that they ſhall not be held reſponſible to the owner or owners of the ſame, for any damage they may ſuſtain thereby; any law, uſage or cuſtom to the contrary notwithſtanding.

V. *And be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, the county court of pleas and quarter-ſeſſions for the county of New-Hanover ſhall be held on the third Mondays in February, May, Auguſt and November; and that all writs and other proceſs returnable to the ſaid county court on any other day, ſhall be held and deemed to be returnable on the firſt day of the firſt court to be held as aforeſaid; any law to the contrary notwithſtanding.

CHAP. LXI. *An Act to pardon and reſtore Frederick Ward, of Lincoln county, and Thomas Garrett, of Chowan county, to the rights and privileges of free citizens.*

Private.

WHEREAS Frederick Ward, of the county of Lincoln, hath been convicted of petit larceny, committed in the ſaid county, whereby he is deprived of the rights and privileges which a free citizen ought to enjoy; and it having been made appear to the ſatisfaction of this General Aſſembly, that upon the trial the accuſation was brought forward through enmity, and alſo that the ſaid Frederick Ward had ever ſupported the character of an honeſt good citizen: And whereas it has been repreſented to this General Aſſembly by a great number of very reſpectable ſubſcribers, that Thomas Garrett, of the county of Chowan, in the year one thouſand ſeven hundred and eighty-five, being in-

dicted for perjury in the ſuperior court of the diſtrict of Edenton, had a verdict of the country paſſed againſt him, but that having forfeited his recognizance to the amount of four hundred pounds, the ſentence of the court has not yet been given: And whereas it has been very reſpectably repreſented to this General Aſſembly, by the petition aforeſaid, that the ſaid Thomas Garrett always, prior to the charge and ſince, has ſupported a fair and honeſt reputation, and that he is well worthy of the clemency of the legiſlature to grant him a ſtatute pardon, and to reinſtate him in the rights of a free citizen: 1791.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That notwithſtanding the judgment and ſentence againſt the ſaid Frederick Ward, or the charge, verdict and forfeiture againſt the ſaid Thomas Garrett, they the ſaid Frederick Ward and Thomas Garrett, and each of them, ſhall and may, from and after the paſſing of this act, be admitted in all caſes as legal and competent witneſſes in and out of court; and the ſaid Frederick and Thomas are hereby pardoned and reſtored to all the rights and privileges of free citizens of the ſtate, as fully and amply as if no ſuch charge or judgment had ever been exhibited or paſſed againſt them, or either of them, for the above mentioned crimes; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LXII. *An Act for laying out a town on the lands of Alexander Avera, on the eaſt ſide of Cape-Fear river, in the county of Cumberland.*

WHEREAS it is repreſented to this General Aſſembly, that the lands of Alexander Avera, on the eaſt-ſide of Cape-Fear river, is a healthy pleaſant ſituation for trade and commerce, and the ſaid Alexander Avera having ſignified his conſent to have one hundred and twenty acres of land, near the river aforeſaid, laid off for a town, which will tend much to the advantage of the neighbouring inhabitants, as well as the navigation of the river: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid one hundred and twenty acres of land be laid off in half acres lots, and ſtreets of not leſs than fifty feet wide, nor more than one hundred, with convenient alleys; and the ſame is hereby conſtituted and eſtabliſhed a town, by the name of Averaſburgh.

II. *And be it further enacted by the authority aforeſaid,* That David Smith, William Rand, Robert Drawhon, William Avera and Philemon Hodge, be and they are hereby conſtituted Commiſſioners for deſigning and carrying on the ſaid town; and they ſhall ſtand ſeized of an indefeaſible eſtate in fee ſimple in and to the ſaid one hundred and twenty acres of land, for the uſes and purpoſes hereby declared; and the ſaid Commiſſioners or a majority of them, ſhall have full power and authority to meet as often as they ſhall think neceſſary for the purpoſes aforeſaid, and to appoint a public landing on the ſaid river Cape-Fear, (on the lands of the ſaid Alexander Avera, the preſent proprietor) as near the ſaid town as they ſhall think neceſſary, and alſo a ſufficient number of lots for the purpoſe of erecting a church and burying ground within the limits of the ſaid town. *Provided always,* That the ſaid proprietor ſhall have a right to reſerve to himſelf ſix lots, to include the buildings and gardens where he now reſides.

III. *And be it further enacted,* That the Commiſſioners or a majority of them, ſhall, after having eighty lots ſubſcribed for, appoint a time and give public notice thereof for meeting the ſubſcribers on the ſaid land, for determining the property of each particular lot, which ſhall be drawn by ballot in a fair manner, by the direction and in the preſence of a majority of the ſaid Commiſſioners at leaſt; and each ſubſcriber ſhall be entitled to the lot or lots which ſhall be drawn for him, and correſpond with the number contained in the aforeſaid plan of the town; and the ſaid Commiſſioners or a majority of them ſhall make and execute deeds, for granting and conveying the lots contained in the ſaid town to the ſubſcribers reſpectively, their heirs and aſſigns, forever, alſo to every other perſon or perſons who ſhall purchaſe any lot or lots in the ſaid town, at the proper coſt and charges of the grantee or grantees to whom the ſame ſhall be conveyed; and any perſon claiming any lot or lots in the ſaid town, by virtue of ſaid conveyance, ſhall and may hold the ſame in fee ſimple.

IV. *And be it further enacted by the authority aforeſaid,* That the reſpective ſubſcribers for the ſaid lots ſhall, within three months after it ſhall be aſcertained to whom each of the ſaid lots doth belong, in manner herein before mentioned, ſatisfy and pay to the ſaid Commiſſioners the ſum of fifty ſhillings for each and every lot by him or them ſo ſubſcribed for; and in caſe of failure of any of the ſubſcri-

1791. bers to pay the ſums of money by them ſubſcribed for lots as aforeſaid, the Commiſſioners aforeſaid, are empowered to ſue for and recover the ſame, before any juriſdiction having cognizance thereof, together with coſts of ſuit. *Provided always*, That the ſaid Commiſſioners ſhall pay unto the ſaid Alexander Avera, the proprietor, all monies ariſing from the ſale of the ſaid lots, at the prices herein before mentioned, firſt deducting the neceſſary charges and expenditures in laying off the ſaid town; and the lots remaining unſold, after drawing thoſe ſubſcribed for, the commiſſioners ſhall be accountable to the proprietor, in manner herein before expreſſed.

V. *And be it further enacted*, That in caſe of the death, refuſal to act, or removal out of the county, of any of the ſaid Commiſſioners, the ſurviving Commiſſioners are hereby empowered to elect another, in the room and ſtead of him or them ſo dying, refuſing to act, or removing out of the county; which Commiſſioners, when ſo appointed, ſhall be veſted with the ſame powers and authorities as thoſe expreſſly named in this act.

CHAP. LXIII. *An Act for granting to the inhabitants of Portſmouth, Occacock and Cedar Iſland, in Carteret county, a privilege of holding a ſeparate election for members of the General Aſſembly for ſaid county.*

WHEREAS it is repreſented to this Aſſembly, by petition from the inhabitants of the above named iſlands, that their peculiar ſituation renders it very difficult, expenſive, and often impoſſible for them to attend at the court-houſe in the ſaid county, to give their ſuffrage for members to repreſent them in the General Aſſembly, having to go by water a great diſtance, and being often prevented by contrary winds and bad weather, and conſequently deprived of a repreſentation in the Aſſembly: For remedy whereof,

Private.

1793, 70. I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, it ſhall and may be lawful for the Sheriff of ſaid county, or any of his proper deputies, and he or any of them is hereby authoriſed and required, to open an election annually on the firſt Thurſday of Auguſt, at Portſmouth, at the houſe of David Wallace, junior, on ſaid iſland, for the eaſe and convenience of the voters reſiding on the neighbouring iſlands, or other adjacent places of the ſaid county, under the ſame rules as are preſcribed for holding the general election; and the ballots ſo taken ſhall be ſealed up by the inſpectors of the poll, in the preſence of the Sheriff, and by them tranſmitted to the court-houſe, under the care of the ſaid Sheriff, or his deputy, who held the ſaid election; and the ſaid ballots ſhall and they are hereby declared to be part of the election of the ſaid county. *Provided*, That nothing herein contained ſhall deprive any perſon entitled to vote for members of the General Aſſembly in ſaid county, and who ſhall not have given his vote at the place above mentioned, from giving his ſuffrage at the court-houſe on the day of the general election for the ſaid county.

CHAP. LXIV. *An Act for altering the time of holding the county courts of pleas and quarter ſeſſions, in the county of Currituck, for empowering the wardens of the poor to lay a further tax for the ſupport of the poor in ſaid county, and for eſtabliſhing a ſeparate general muſter in the ſame.*

WHEREAS the time at preſent for holding county courts of pleas and quarter-ſeſſions for the county of Currituck, has by experience been found to be inconvenient and injurious to the inhabitants thereof:

Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the courts of pleas and quarter-ſeſſions for ſaid county ſhall, after the next court, be held on the laſt Mondays in February, May, Auguſt and November in each and every year; and the firſt court after March term, one thouſand ſeven hundred and ninety-two, ſhall be on the laſt Monday in May next; to which time all matters and things ſhall ſtand adjourned from the court which ſhall be next in courſe after the paſſing of this act, and ſhall be firm and valid in law; any thing contrary hereto notwithſtanding.

1790, 7, 697. II. *And be it further enacted by the authority aforeſaid*, That ſo much of an act paſſed at Fayetteville, one thouſand ſeven hundred and ninety, entitled, "An act to alter the time of holding the ſeveral county courts of pleas and quarter ſeſſions therein mentioned," as comes within the purview and meaning of this act, be and the ſame is hereby repealed and made void.

III. *Temporary.*

IV. And whereas the inhabitants of the county of Currituck, in the Powell's point diſtrict, attend general muſters at the Court-houſe of ſaid county with great inconvenience: *Be it therefore enacted*, That the inhabitants in the ſaid county of Currituck, reſiding in the Powell's point diſtrict aforeſaid, ſhall have the privilege of holding a ſeparate general muſter at the houſe of William Lindſey; and the Colonel of the ſaid county, ſhall order ſome one of the field officers thereof, to attend and review the militia of the ſaid diſtrict, at that place and at ſuch times as general muſters are held for the county.

CHAP. LXV. *An Act to eſtabliſh two places in the county of Hyde, for the purpoſe af holding general muſters.*

Private.

WHEREAS from the length of the county of Hyde, and many water courſes therein, it has been found by experience, expenſive, inconvenient, and at times of high winds, dangerous, and ſometimes impoſſible, to attend general muſters:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the county of Hyde ſhall be divided into two diſtricts; the eaſtern diſtrict ſhall conſiſt of the companies belonging to that part of Hyde county called Mattamuſkeet, and the weſtern diſtrict ſhall conſiſt of the companies belonging to the remaining part of the county; that the place of holding the general muſters for the eaſtern diſtrict, ſhall be at the Lake landing, and that the place for general muſters for the weſtern diſtrict, ſhall be at the Court houſe as heretofore; the eaſtern as well as the weſtern diſtrict, ſhall nevertheleſs, each hold their general muſters in the reſpective diſtricts and places agreeable to the directions of the act for eſtabliſhing a militia in this ſtate.

II. *And be it further enacted by the authority aforeſaid*, That the Colonel or commanding officer of ſaid county, is hereby directed and required, to have the inhabitants warned to attend accoutred as uſual, at the two aforementioned places reſpectively: And it is hereby further required, that the Colonel or commanding officer of ſaid county, ſhall attend at either of the muſters heretofore mentioned, to review the ſame under exerciſe, and that he appoint or direct the Lieutenant-Colonel, Major, or other officers next in command, (as the caſe may be) to give attendance at the muſter of the other diſtrict in ſaid county for the purpoſe of diſciplining the men.

III. *And be it further enacted by the authority aforeſaid*, That the place for holding court martials for ſaid county, ſhall be at the Court-houſe as uſual, and delinquents ſhall appear from each diſtrict aforementioned in order for trial.

CHAP. LXVI. *An Act for fixing on a proper place at or near the centre of the county of Montgomery for erecting a Court houſe, priſon and ſtocks thereon, for eſtabliſhing a town at the ſame place, and for directing the courts of pleas and quarter-ſeſſions, to be held there as ſoon as ſuch Court-houſe is compleated.*

Private.

WHEREAS many of the inhabitants of Montgomery county, have petitioned this General Aſſembly to paſs a law for altering the place of holding courts, general muſters, elections, and other public meetings in the ſaid county:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That William Le Grand, George Davidſon, William Loftin, William Randal and William Kindall, be and they are hereby appointed Commiſſioners, and it ſhall be the duty of a majority of them, to fix on a proper place at or near the centre of the county of Montgomery, for the purpoſe of erecting a Court houſe, priſon and ſtocks, for the uſe of the ſaid county; for which purpoſe the ſaid Commiſſioners ſhall cauſe an actual ſurvey of the county to be made by the Surveyor thereof, and the moſt convenient place at or near the centre thereof, as agreed upon by a majority of the ſaid Commiſſioners, ſhall be the place at which the ſaid Court-houſe, priſon and ſtocks ſhall be erected.

II. *And be it further enacted*, That George Davidſon, Eldrith Harris and John Crump, be and they are hereby appointed Commiſſioners to ſuperintend the building the ſaid Court-houſe, priſon and ſtocks, to be erected at the place fixed upon by the aforeſaid Commiſſioners in virtue of this act; and it ſhall be their duty to contract with proper workmen to undertake and compleat the ſaid public build-

1791. ings, as ſoon as adequate funds are provided for defraying the expence thereof.

III. *And be it further enacted*, That ſo ſoon as the ſaid public buildings are ſufficiently finiſhed for uſe, it ſhall be the duty of the county court of Montgomery, and they are hereby expreſſly required to adjourn from the place where the ſaid courts are now held to the ſaid Court-houſe, to be erected by virtue of this act; to which place, agreeable to the ſaid adjournment, all matters in law, precepts and cauſes in the ſaid court, ſhall ſtand continued and be returnable.

IV. *Temporary.*

V. *And be it further enacted*, That the Commiſſioners hereby appointed to cauſe the ſurvey of the ſaid county to be made, are alſo hereby conſtituted and appointed Commiſſioners for laying off a town at the place they ſhall fix on for the ſaid Court houſe: And it ſhall be their duty, and they are hereby required to lay off one hundred acres of land at the ſame place, (ſo as to include the public buildings when erected) into lots of one acre each, with proper diviſions of ſtreets and alleys, in ſuch manner as the ſaid Commiſſioners may direct, which ſhall be eſtabliſhed a town by the name of Stokes.

VI. *And be it further enacted*, That the Commiſſioners for building and laying off the town as aforeſaid, ſhall have full power and authority, to do every thing reſpecting the regulation of the town, apportioning and drawing the lots and taking conveyances, as well as conveying away the ſame, in ſuch manner as they or a majority of them may think proper; and ſuch regulations and conveyances ſhall be as good and valid in law, as if the ſame was herein mentioned, and particularly enumerated and deſcribed.

VII. *And be it further enacted*, That the Commiſſioners herein named for laying off the ſaid town, are hereby authoriſed and empowered to purchaſe the ſaid hundred acres of land, at the place to be fixed on as aforeſaid, from the owner or owners thereof, and to take a conveyance in their own names for the ſame, which hundred acres of land ſhall be paid for out of the monies ariſing from the ſame, when laid off into lots as aforeſaid, under the directions of the ſaid Commiſſioners.

CHAP. LXVII. *An Act to alter the time of holding annual elections for members of the General Aſſembly in Brunſwick county.*

Private. WHEREAS it hath been repreſented to this General Aſſembly that the time fixed by law for holding the annual elections throughout the ſtate has been found extremely inconvenient, and in ſome years dangerous to the inhabitants of Brunſwick county, on account of the many branches, creeks and water-courſes in the moſt populous parts thereof, being frequently overflowed at the ſeaſon of the year: And whereas it is eſſential in a free government, that elections ſhould be as full and large as poſſible:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That for the future the annual elections for members of the General Aſſembly to repreſent the ſaid county, ſhall be held on the fourth Friday and Saturday of October in every year, and be otherwiſe conducted and concluded agreeable to law.

II. And to prevent offences by any inhabitants of the ſaid county going into other counties to vote at their general elections, *Be it enacted by the authority aforeſaid*, That upon proof being made of ſuch offence, the perſon committing the ſame ſhall forfeit and pay the penalty of fifty pounds to be recovered by action of debt, in any court of record having cognizance thereof, one half to the benefit of the perſon ſuing for the ſame, and the other to the uſe of the ſtate.

CHAP. LXVIII. *An Act to improve the navigation of the North-weſt branch of Cape-Fear river.*

Private. WHEREAS the improvement of the ſaid navigation would materially promote the commercial intereſt of the weſtern country:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of March next, Joſeph Thims, David Anderſon, John Ingram and Robert Donaldſon, be and they are hereby made Commiſſioners, for the purpoſe of collecting a tax on ſuch articles as herein ſpecified, which may be conveyed down the river from Cumberland county.

II. *And be it further enacted by the authority aforeſaid*, That the monies which ſhall be collected and

ariſe from ſuch tax, ſhall be appropriated ſolely for the purpoſe of improving the navigation of ſaid river, in ſuch manner as the Commiſſioners, or a majority of them, ſhall determine.

III. *And be it further enacted by the authority aforeſaid,* That the ſaid Commiſſioners or a majority of them ſhall appoint a Secretary, whoſe duty it ſhall be to call on all perſons who may ſend down the ſaid river ſuch of the articles that are hereby taxed, once in every three months, and demand of them an account of the articles ſo ſent down the river, upon oath, which ſuch Secretary is hereby empowered to adminiſter.

IV. *And be it further enacted,* That the tax to be ſo levied as aforeſaid ſhall be as follows, to wit, —Each and every hogſhead ſhall be taxed four pence; each and every tierce, two pence; each and every barrel, one penny; every thouſand feet ſaw-mill lumber, four pence; every thouſand hogſhead ſtaves, four pence; every thouſand barrel ſtaves, two pence; every thouſand ſhingles, one penny; every buſhel of grain, one fourth of a penny; every hundred weight of deer-ſkins and hemp, one penny; which taxes as aforeſaid ſhall be recovered as other taxes are recovered by law.

V. *And be it further enacted,* That the Commiſſioners appointed by this act ſhall, previous to entering on the execution of the truſt repoſed in them, enter into bond with ſufficient ſecurity, to the Chairman of the court of pleas and quarter ſeſſions of the county of Cumberland, conditioned that they apply the money ariſing from the taxes hereby impoſed, agreeable to the true intent and meaning of this act.

CHAP. LXIX. *An Act to eſtabliſh a tobacco warehouſe in the town of Fayetteville, and to empower the county court of Cumberland to appoint inſpectors to the ſame.*

Private.

WHEREAS the encreaſed quantity of tobacco now brought to the market of Fayetteville, will render an additional ware-houſe of public utility: And whereas James Patterſon, of Chatham county, William Lord and Duncan M'Auſlin, of Cumberland county, have ſignified their deſire in being empowered by law to build a ware-houſe in the ſaid town of Fayetteville:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That as ſoon as the ſaid ware-houſe is compleated for the reception of tobacco, it ſhall and may be lawful for the county court of Cumberland, and it is hereby authorited and directed, to appoint two Inſpectors to the ſaid ware-houſe, ſubject to the ſame regulations, fines and forfeitures, and entitled to the ſame privileges and emoluments, as Inſpectors heretofore appointed. *Provided,* That the Inſpectors to be appointed by virtue of this act, ſhall not be the ſame as thoſe appointed to other ware houſes in ſaid town.

II. *And be it further enacted by the authority aforeſaid,* That it ſhall and may be lawful for the ſaid James Patterſon, William Lord and Duncan M'Auſlin, to demand and receive the ſame ſtorage on tobacco inſpected in their ware-houſe, as has heretofore been received in the other ware-houſes eſtabliſhed in the ſaid town of Fayetteville.

III. *And be it further enacted by the authority aforeſaid,* That no preference ſhall be given by ſaid court to any eſtabliſhed ware-houſe erected in Fayetteville, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LXX. *An Act to eſtabliſh a town laid out by Robert Bloodworth, deceaſed, on the ſouth ſide of the Northeaſt river, in the county of New-Hanover.*

Private.

WHEREAS a town hath been laid out on the lands of Robert Bloodworth, in his lifetime, by his own conſent, containing fifty-ſeven lots, which lots were diſpoſed of by the ſaid Bloodworth; and whereas divers merchants, artificers and other perſons, induced from the pleaſant and convenient ſituation of the place aforeſaid, have purchaſed lots from the proprietor, erected buildings and made conſiderable improvements, and are deſirous the ſaid town ſhould be eſtabliſhed by legiſlative authority:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid fifty-ſeven lots be eſtabliſhed a town agreeable to the plan laid off by James Blythe, by the name of South-Waſhington.

II. *And be it further enacted by the authority aforeſaid,* That Thomas Bloodworth, ſenior, John James, Benjamin Ledden, Thomas James, and Mallitia Hamilton, be, and they, and every of them,

1791. are hereby conſtituted Commiſſioners for the further deſigning, building and improving the ſaid town and in caſe of the death, refuſal to act, or removal out of the diſtrict of any of the ſaid Commiſſioners, the ſurvivor or ſurvivors, or a majority of them, are hereby authoriſed to nominate and appoint (by inſtruments in writing under their hands and ſeals) ſome other perſon, being an inhabitant and freeholder in the diſtrict, in the room of him ſo dead, refuſing to act, or removing out of the diſtrict; which ſaid Commiſſioners ſo appointed, ſhall have and exerciſe the ſame powers and authorities, in all matters herein contained, as the perſon in whoſe room and ſtead he was ſo appointed, had and exerciſed.

III. *And be it further enacted*, That the ſaid Commiſſioners ſhall have power to order and direct the inhabitants of ſaid town to work on the public wharffs and ſtreets; and the ſaid inhabitants are hereby releaſed from working on the public roads, any law to the contrary notwithſtanding.

Temporary. CHAP. LXXI. *An Act to empower the county court of Randolph, to lay a tax for the purpoſe of building a priſon at the Court houſe in ſaid county, and appointing Commiſſioners for the ſame.*

CHAP. LXXII. *An Act to empower the county courts of Caſwell and Perſon to ſell the court-houſe and lots thereunto belonging in Leasburgh, and to appoint Commiſſioners to ſettle the accounts due to and from the county of Caſwell.*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the courts of the counties of Caſwell and Perſon ſhall each of them appoint a Commiſſioner or Commiſſioners, who ſhall, after entering into a bond with ſufficient ſecurity payable to the courts aforeſaid, for their faithful performance of the truſt repoſed in them by this act, and agreeable to the directions that may be given them by the ſaid court, ſell the preſent Court-houſe of Caſwell and the lots and other improvements thereunto belonging, at public ſale; one half of the purchaſe money to be paid in twelve months from the day of ſale, and the other half in two years, the purchaſer giving bond with approved ſecurity for the payment thereof; which money when collected, ſhall be paid, one half to the court of Caſwell, and the other half to the court of Perſon, for the uſe of the ſaid counties.

II. *And be it further enacted*, That the preſiding Juſtice of the court of Caſwell, is hereby authoriſed and empowered, to execute a deed or deeds in fee ſimple to the purchaſer or purchaſers of the houſes and lots aforeſaid, which deed or deeds ſhall be good and valid in law againſt all perſons whatever.

III. *And be it further enacted*, That the Commiſſioners that ſhall be appointed as aforeſaid, are hereby authoriſed and empowered to collect all the monies that are or ſhall be due for ſtrays to the county of Caſwell, previous to the diviſion thereof, which money when collected, ſhall be paid to the preſent Truſtee for the county of Caſwell.

IV. *And be it further enacted*, That the ſaid Truſtee, ſhall collect and receive all debts due to the preſent county of Caſwell, as ſoon as may, and alſo ſhall ſettle and pay off all claims that may be due or owing from the ſaid county before the diviſion thereof, and whatever balance may remain in his hands after paying all claims as aforeſaid, he ſhall pay the ſame, one half to the court of Caſwell, and the other half to the court of Perſon, for the uſe of ſaid counties.

CHAP. LXXIII. *An Act to eſtabliſh a town at the Court-houſe in Hyde county.*

Private. WHEREAS it hath been repreſented to this Aſſembly, that the eſtabliſhing a town at the court-houſe in Hyde, on the lands of Germain Bernard, Eſquire, would be conducive of public utility; and the ſaid Germain Bernard having ſignified his conſent to have thirty acres of the ſaid land laid off for that purpoſe:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid thirty acres of land be laid off in half acre lots, and ſtreets accordingly, and the ſame are hereby conſtituted and eſtabliſhed a town, and ſhall be called by the name of Germain-town.

II. *And be it further enacted,* That from and after the paſſing of this act, Germain Bernard, Benjamin Ruſſel and Thomas Henderſon, Eſquires, be, and they and every of them are conſtituted Commiſſioners and Truſtees, for deſigning, building and carrying on the ſaid town; and they ſhall ſtand ſeized in an indefeaſible eſtate in fee ſimple in the ſaid thirty acres of land as aforeſaid, to and for the uſes, intents and purpoſes hereby declared.

III. *Be it further enacted,* That the ſaid Commiſſioners or a majority of them ſhall appoint a time, and give public notice thereof, for meeting the ſubſcribers on the ſaid land, for determining the property of each particular lot, which ſhall be by ballot in a fair manner, by direction and in preſence of a majority of the ſaid commiſſioners at leaſt; and each ſubſcriber ſhall be entitled to the lot or lots which ſhall happen to be drawn for him, and correſpond with the number contained in the aforeſaid plan of ſaid town; and the ſaid Commiſſioners or a majority of them ſhall make and execute deeds for granting and conveying the ſaid lots contained in the ſaid town to the reſpective ſubſcribers for the ſame, their heirs and aſſigns, forever, and alſo to all and every other perſon or perſons who ſhall purchaſe any other lot or lots in the ſaid town, at the proper coſt and charges of the ſaid grantee or grantees to whom the ſame ſhall be conveyed; and any perſon claiming any lot or lots in the ſaid town, by virtue of ſuch conveyance, ſhall and may hold and enjoy the ſame in fee ſimple.

IV. *And be it further enacted,* That the reſpective ſubſcribers for the ſaid lots ſhall, within ſix months after it ſhall be aſcertained to whom each of the ſaid lots doth belong, in manner herein before mentioned, ſatisfy and pay to the ſaid Commiſſioners, the ſum of three pounds for each lot by them ſubſcribed for; and in caſe of the refuſal or neglect of any ſubſcriber to pay the ſaid ſum, the ſaid Commiſſioners ſhall and may commence a ſuit for the ſame, in their own name, and therein ſhall recover judgment with coſts.

V. *And be it further enacted,* That if any of the Commiſſioners hereby appointed ſhould refuſe to act, die, or remove out of the county, the ſurviving Commiſſioners ſhall be, and they are hereby empowered, to elect another in the room of him ſo refuſing, dying or removing; which ſaid commiſſioner or Commiſſioners ſo appointed, ſhall from thenceforth have the ſame power and authority in all things concerning the matter herein contained, as if he had been expreſſly nominated and appointed by this act.

CHAP. LXXIV. *An Act for levying a further tax in the ſeveral counties of Morgan diſtrict, to defray the remaining expence of building a court-houſe, priſon and ſtocks.*

Private.

VI. *And be it further enacted,* That ſo much of an act paſſed this preſent ſeſſion, entitled, "An act to erect the weſtern parts of Burke and Rutherford into a ſeparate and diſtinct county, and for altering the time of holding courts in the counties of Burke and Wilkes," as relates to the altering the time of holding the county courts of pleas and quarter-ſeſſions in the counties of Burke and Wilkes, be and the ſame is hereby ſuſpended until the tenth day of May next, any law to the contrary notwithſtanding.

The firſt part of this act had its effect.
1791, 52, 31.

CHAP. LXXV. *An Act to empower the county court of Rockingham to lay a further tax, to reimburſe the Commiſſioners the money by them expended in erecting the court-houſe, priſon and ſtocks in ſaid county.*

Temporary.

Read three times and ratified in General Aſſembly, this 19th January, Anno Dommi, 1792.

(Copy.) J. GLASGOW, *Secretary.*

WM. LENOIR, *S. S.*
S. CABARRUS, *S. H. C.*

ACTS OF GENERAL ASSEMBLY.

1792.
ALEXANDER MARTIN, Esq. Governor.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Fifteenth Day of November, in the Year of our Lord, One Thousand Seven Hundred and Ninety-Two, and in the Seventeenth Year of the Independence of the said State—Being the First Session of the said Assembly.

Temporary.

CHAP. I. *An Act for raising a revenue for the payment of the Civil List and contingent charges of government for the year one thousand seven hundred and ninety-three.*

CHAP. II. *An Act to amend the revenue laws of this state, and to direct the mode in which those who hereafter shall complain of its judgments may obtain redress.*

WHEREAS the due collection of the taxes and of the arrears due the state, is impeded by the manner in which injunctions and other process, issuing from the courts of equity, are obtained by public debtors.

Manner of obtaining injuctions, &c.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, that in future no injunction bill or other process in equity, requiring a stay of any execution obtained against a citizen or citizens on the part of the state, shall be granted by the Judges thereof, or any of them, until the complainant or complainants shall first produce a receipt from the public Treasurer, shewing the actual payment and discharge in full of all such part of the judgment obtained as aforesaid, as he or they by their bill of complaint shall not on oath be ready to declare is unjust.

where returnable, &c.

II. *And be it further enacted*, That all injunctions and other process which may hereafter be obtained as aforesaid, in consequence of judgments to be had by the state, shall be returnable and returned to the court of equity for the district of Hillsborough, and the hearing and decree in such cases shall be had in that court only.

III. *And be it further enacted by the authority aforesaid*, That the Judges of the superior courts of law and equity in this state, shall, upon motion of the Attorney or Solicitor-General, order all injunctions and other causes of the nature aforesaid, wherein the state by its officers is a party, now depending in any of the several courts of equity in this state, together with all papers and documents in the said courts relating thereto, to be transferred and transmitted to the docket of the court of equity for the district of Hillsborough, there to be proceeded on and finally determined.

Duty of Sheriffs on executions of of the state.

IV. *And be it further enacted*, That it shall be the duty of all Sheriffs or Coroners, upon receiving any execution at the instance of the state, to proceed to advertise the property levied on, for sale, on the second day of the court of his county next preceding the time when his return is to be made, and shall expose the same for sale on the said day at some most public place near the court-house of the said county, and not more than ten rods therefrom, from the hour of ten of the clock in the morning until three in the afternoon, and shall publicly cry the same for at least one hour; and it is declared to be lawful for the said Sheriff, and he is hereby required to strike off and make title to the said property so exposed, though there may not be more than one bidder therefor; and that if on the second day of the term there be no bidder, then he is to continue to expose the same from day to day during the term until a sale is made.

Lands liable to be distrained for taxes.

V. And whereas it is proper that real estates be subject to the payment of taxes when no personal property is found, and that the existing revenue laws of this state be amended: *Be it therefore enacted by the authority aforesaid*, That for the future any person or persons failing to pay either by themselves or through others, the public taxes for which they may be liable, in due time and according to law, and having no visible personal property on which the Sheriff can distrain, but being possessed of lands within the county where such taxes became due and payable, it shall and may be lawful for the

Sheriff of ſuch county, and he is hereby required to diſtrain on ſuch lands, and to ſell the ſame or ſo much thereof as ſhall be ſufficient for the payment of the taxes due, and the coſts of ſuch ſale; and ſhall convey the lands ſo ſold to the purchaſer or purchaſers, which conveyance ſhall be good and valid in law; the lands ſo to be ſold being firſt advertiſed for ſuch length of time as is by law required in caſes of execution. 1792.

Purchaſer of lands liable for taxes due on ſame, &c.

VI. *And be it further enacted by the authority aforeſaid*, That any perſon or perſons who have for the year one thouſand ſeven hundred and ninety-two returned, or who ſhall at any time hereafter return, as his, her or their taxable property, any land in this ſtate, and ſhall ſell and diſpoſe of the ſame before the public taxes due thereon ſhall have been paid, and ſhall remove out of the county in which ſuch lands ſhall have been ſo returned, leaving no perſonal property therein, the perſon or perſons purchaſing ſuch lands ſhall be ſubject to the payment of all the taxes due thereon, and ſhall be proceeded againſt as if he had originally given in the ſame: It being at all times underſtood that the Sheriff making ſuch ſales ſhall be accountable to the owners of the lands for all monies which may come into his hands over and above the ſums due for public taxes aforeſaid.

VII. And whereas it hath happened that from the neglect of the Juſtices of the Peace to appoint aſſeſſors, the owners of town property in ſundry counties have failed to pay that tax for the ſame for which by law they were liable: *Be it therefore enacted by the authority aforeſaid*, That in all caſes where ſuch neglect of the Juſtices may happen, it ſhall be the duty of the Sheriff of the county, and he is hereby authoriſed and required to appoint three freeholders, being inhabitants of ſuch county, to aſſeſs the town property within the ſame; for which purpoſe they ſhall be ſworn; and whoſe aſſeſſment when made aud returned to the court, ſhall be equally valid as though the perſons who made it had been appointed aſſeſſors by the court for that ſpecial purpoſe.

Sheriff to appoint aſſeſſors of town property, where Juſtices neglect, &c.

CHAP. III. *An Act to amend an act, entitled*, An act to compel certain officers therein mentioned to publiſh the application of the public monies and allowances for inſolvents. 1786, 16, 587.

WHEREAS the before recited act does not direct in what manner ſettlements ſhall be made by the county Truſtees, and it may ſo happen that large ſums of money may be paid into their hands, and it being but juſt that ſome regular mode of ſettlement ſhould be pointed out, as well for the juſtification of the ſaid Truſtees as for the benefit of thoſe having juſt claims for county money. 1793, 14.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That at the firſt court in each reſpective county in this ſtate, which ſhall be held after the firſt day of June next, the county Truſtees of their reſpective counties, ſhall make ſettlements with the court, in which they ſhall render an account of the whole of their receipts and expenditures, under the penalty of two hundred pounds, to be recovered by action of debt, and ſhall account in like manner and under the ſame penalty every year thereafter.

County truſtees to render their accounts, &c.

II. And whereas by the third ſection of the above recited act, the Wardens of the poor are required under a penalty of one hundred pounds, to publiſh an account of the monies received and expended for the ſupport of the poor in each county, and it being repreſented to the preſent General Aſſembly that in many counties they fail to do the ſame: *Be it further enacted by the authority aforeſaid*, That in ſuch counties as the Wardens of the poor ſhall hereafter fail to publiſh an account of the receipts and expenditures of monies for the ſupport of the poor as required by the aforeſaid act, the Attorney or Solicitor acting in behalf of the ſtate in ſuch county, is hereby required and enjoined to inſtitute ſuit in the name of the Chairman of the court for recovery of the penalty as directed by the ſaid act.

Wardens to be proſecuted if they do not publiſh their accounts.

CHAP. IV. *An Act to effect juſtice to the honeſt ſoldier, and to the widow, orphan, heirs and repreſentatives of the officers, non-commiſſioned officers and privates of the late line of this ſtate.*

WHEREAS many army claims have been drawn by perſons unauthoriſed by the real claimant, and the perſons who have drawn the ſame not generally known, to the great injury of the honeſt claimant, and to manifeſt evil to the ſtate:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Agent of this ſtate for the ſettlement of its accounts with

Agent to make out a liſt of accounts ſettled at Halifax, &c.

1792.

the United States, do, on or before the first day of April next, make out and transmit to the Comptroller, an accurate list of the names of the officers, non-commissioned officers and privates, and others, who had their accounts settled at Halifax, by the Commissioners for settling the army accounts, in the year seventeen hundred and eighty-three, with the sums drawn in due-bills and certificates, and by whom drawn or receipted for.

And of those settled at Newbern and elsewhere, &c.

II. *And be it further enacted*, That the Agent aforesaid do in like manner make out and transmit to the Comptroller aforesaid, on or before the said first day of April next, an accurate list of the names of the officers, non-commissioned officers and privates, and others, who had their accounts settled by Hawks and Coor, at Newbern, in the year or at any other time, by any Board or Boards, or by resolution of the General Assembly, distinguishing the sums drawn, and by whom drawn or receipted for, except only those drawn at Warrenton in the year seventeen hundred and eighty-six.

Also a list of the final settlements.

III. *And be it further enacted*, That the Agent aforesaid do in like manner transmit to the Comptroller on or before the said first day of April next, an accurate and authentic list of the names of the persons and the amount of the final settlements, together with the names of the persons who receipted for or drew the same from Robert Fenner, Esquire, late Agent for the continental line of this state.

Duty of the Comptroler on receiving said lists, &c.

IV. *And be it further enacted*, That the Comptroller shall on receipt thereof, that is to say, on the receipt of the said lists, immediately proceed to arrange the names therein contained for pay due them in alphabitical order, and annex to the said names respectively the sums drawn, distinguishing the due-bills, certificates and final settlements in different columns, together with the name of the person who receipted for and drew the same; and include in the said lists so by him to be arranged, the settlement made at Warrenton, in the year seventeen hundred and eighty-six, and the settlement made at Hillsborough in the present year, distinguishing each of the said settlements by a column, containing *Ha.* for Halifax, *H.* for Hillsborough, *N.* for Newbern, *W.* for Warrenton, *R.* for Resolution of the General Assembly, and so on; in which list by him to be made out he shall also include the final settlements delivered by the Treasurer, by the late Comptroller, and by himself.

Lists to be printed, &c.

V. *And be it further enacted*, That when the Comptroller shall have made out the said list, that he shall have one hundred and twenty copies thereof printed at the expence of the state, and shall transmit two copies thereof to the Clerk of each county court respectively within the state: one of which copies shall be kept by the Clerk as a record in his office, and the other shall be subject to the inspection of any person willing to examine the same.

Which shall be kept of record, &c.

VI. *And be it further enacted*, That the copy of said list so to be kept of record, shall be taken and deemed as evidence in all suits which may arise in the premises between individuals. *Provided nevertheless*, That the defendant may in all causes, when suit shall be instituted against him for such due-bill, certificate or final settlement, said in the said list to be drawn by him, have leave to produce evidence that the same was not drawn by him, or if drawn or receipted for by him, have leave to produce evidence that the same was drawn by proper power to transfer, or that the same had been fairly settled with the real claimant.

[*The rest unnecessary to be inserted.*]

1,'79, 11, 370.

CHAP. V. *An Act to amend an act, entitled*, An act to prevent the stealing of slaves, or by violence, seduction or any other means taking or carrying away any slave or slaves the property of another, and for other purposes therein mentioned.

WHEREAS the above recited act hath been found insufficient to prevent the iniquitous practice of carrying and conveying slaves out of this state:

Penalty on Masters of vessels for carrying off slaves, &c.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, if any master or commander of any ship or vessel trading within this state, shall carry and convey out of the same on board of any such ship or vessel any negro or mulatto slave or slaves, the property of any citizen or citizens of state, without the consent in writing of the owner or owners, his, her or their guardian or guardians of such slave or slaves previously obtained; or shall take and receive on board of any such vessel or ship, any such slave or slaves, or permit or suffer the same to be done with the intent

and for the purpoſe of carrying and conveying ſuch ſlave or ſlaves out of this ſtate, or ſhall wickedly and willingly conceal or permit to be concealed on board of any ſuch ſhip or veſſel any negro or mulatto ſlave or ſlaves, who ſhall or may hereafter abſcond from his, her or their maſter or miſtreſs, being citizens of this ſtate, with the intent and for the purpoſe of enabling ſuch ſlave or ſlaves to effect his, her or their eſcape out of this ſtate, every ſuch maſter or commander of any ſuch ſhip or veſſel ſo carrying and conveying, or ſo taking or receiving or concealing, or cauſing or permiting the ſame to be done with an intent as aforeſaid, ſhall be deemed and taken to be guilty of felony, and ſhall ſuffer death as a felon without benefit of clergy. 1792.

CHAP. VI. *An Act to amend the ſeventh ſection of an act, entitled,* An act to explain, amend and ſupply the deficiencies of an act, paſſed laſt Aſſembly at Hillſborough, entitled, An act to regulate the deſcent of real eſtates, to do away entails, to make proviſion for widows, to prevent frauds in the execution of laſt wills and teſtaments, and for directing how deeds of gift and bills of ſale of ſlaves ſhall be executed, authenticated and perpetuated, *paſſed at Newbern, in October, in the year one thouſand ſeven hundred and eighty-four.* 2, '84, 10, 529.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all ſales of ſlaves *bona fide* made, and accompanied with the actual delivery of the ſlave or ſlaves to the purchaſer, and which would have been held good and valid before the paſſing of the ſaid recited act, ſhall be and the ſame are hereby declared good and valid without any bill of ſale. Certain ſales of ſlaves declared valid.

II. *Be it further enacted,* That when any transfer or conveyance of any ſlave or ſlaves ſhall be in writing, ſuch writing, after being legally proved, ſhall be regiſtered in the county where the purchaſer (he being in actual poſſeſſion of the ſlave or ſlaves ſo transferred or conveyed) ſhall reſide; but if under any ſpecial agreement at the time of the ſale, the ſeller ſhall remain in poſſeſſion of the ſlave or ſlaves ſold, then the writing transferring or conveying the ſame ſlave or ſlaves, ſhall be regiſtered in the county where the vendor lives. Regiſters of ſlaves where to be made.

III. *Be it further enacted,* That on all trials at law, where a written transfer or conveyance of a ſlave or ſlaves ſhall be introduced to ſupport the title of either party, the due and fair execution of ſuch writing ſhall be proved by a witneſs ſubſcribing and atteſting the execution of ſuch writing; but if ſuch witneſs ſhall be dead or removed out of the ſtate, then the probate and regiſtration of ſuch writing may be given in evidence. Proof of titles of ſlaves how admitted, &c.

CHAP. VII. *An Act to amend an act, entitled,* An act concerning proving wills and granting letters of adminiſtration, and to prevent frauds in the management of inteſtates eſtates; *and alſo to amend an act, entitled,* An act apppointing the method of diſtributing inteſtates eſtates. 1715, 48, 28. 1766, 3, 223.

WHEREAS by the ſaid acts, the inhabitants of other ſtates and foreigners from other countries, owing to their being frequently the greateſt creditors of deceaſed perſons, acquire the adminiſtration on deceaſed perſons eſtates, to the great injury of other creditors reſiding within the ſtate:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That in future in all ſuch caſes the greateſt creditor reſiding within the ſtate ſhall be entitled, after the widow and next of kin, to the adminiſtration on the eſtate of any deceaſed perſon. Greateſt creditor in the ſtate, after the Widow, &c. entitled to adminiſtration.

II. And whereas by the act for diſtributing the perſonal property of inteſtates, the intention thereof is that the diſtribution ſhould be equal, although the ſaid act doth not provide in what manner the heirs of the inteſtate, who had received any part or ſhare of the inteſtate's eſtate in his or her lifetime, ſhould give an account thereof: For remedy whereof, *Be it further enacted by the authority aforeſaid,* That in future where any perſon ſhall die inteſtate, who had in his or her lifetime given to or put in poſſeſſion of any of his or her children, any perſonal property of what nature or kind ſoever, ſuch child or children poſſeſſed as aforeſaid, ſhall cauſe to be given to the adminiſtrator or manager of ſuch eſtate, an inventory on oath, ſetting forth therein the particulars by him or her received, of the Inventory to be given by a child of particulars received in lifetime of an inteſtate.

1792.

inteſtate in his or her lifetime.

On failure to be conſidered as having received a full ſhare.

III. *And be it further enacted*, That in caſe any child or chiidren who had in the lifetime of the inteſtate received a part of ſaid eſtate, and ſhall refuſe to give an inventory as aforeſaid, ſuch child or children ſhall be conſidered to have had and received his or her full ſhare of the deceaſed's eſtate, and ſhall not be entitled to receive any further part or ſhare thereof.

Repealing clauſe.

IV. *And be it further enacted*, That all acts and clauſes of acts heretofore paſſed, coming within the meaning and purview of this act, be and the ſame are hereby repealed and made void.

1790, 3, 695. 2, 1777, 2, 296. 1782, 11, 432.

CHAP. VIII. *An Act to amend an act, entitled*, An act to amend an act, entitled, An act for eſtabliſhing courts of law, and regulating the proceedings therein; and another act, entitled, An act for giving an equity juriſdiction to the ſuperior court.

Three laſt days of ſuperior court to be devoted to the equity docket.

BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the ratification of this act, it ſhall not be lawful for the Judges of the ſaid courts of law and courts of equity, on the three laſt days of the terms reſpectively as they are now eſtabliſhed by law, to take cognizance of any other buſineſs than that which may appear on the equity dockets at the ſaid ſuperior courts, until the buſineſs on the equity ſide of the courts reſpectively ſhall be heard and determined, as far as the ſame may be neceſſary or ready for hearing; any law, cuſtom or uſage to the contrary notwithſtanding.

1723, 4, 41. 1729, 6, 52. 1773, 25, 268.

CHAP. IX. *An Act to amend the ſeveral proceſſioning laws now in force in this ſtate.*

Counties to be divided into diſtrict.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That at the firſt court held in each county of this ſtate after the tenth day of May next, it ſhall be the duty of the courts reſpectively to divide their county into as many diſtricts as to them ſhall appear moſt convenient for the purpoſes contained in this act.

Court to appoint Proceſſioners.

II. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the courts reſpectively to appoint ſome perſon capable of ſurveying, to proceſſion the lands in each diſtrict of the county, for all ſuch perſons whoſe deſire is to have their lands proceſſioned.

Oath of the Proceſſioners.

III. *And be it further enacted by the authority aforeſaid*, That the proceſſioners appointed in purſuance of this act previous to entering on the execution of their office, ſhall take the following oath in open court or before ſome Juſtice of the Peace, "I *A. B.* do ſolemnly ſwear or affirm (as the caſe may be) that I will well and truly execute the duty and truſt enjoined by the acts for proceſſioning lands in this ſtate, according to the beſt of my ſkill and ability, without favor or partiality to any perſon or perſons whatſoever. *So help me God.*"

Court to fill vacancies.

IV. *And be it further enacted by the authority aforeſaid*, That where any proceſſioner is appointed agreeable to the tenor of this act, and ſhall die, remove, refuſe to act, or reſign, it ſhall be the duty of the court to appoint a perſon to fill each vacancy as ſoon as poſſible after the ſame happens.

Notice to be given.

V. *And be it further enacted by the authority aforeſaid*, That the proprietor of any land in this ſtate ſhall cauſe to be given ten days notice to all perſons whoſe lands may be adjoining to any tract which he is about to proceſſion; which notice ſhall be in writing, and a copy of the ſame delivered to the Proceſſioner, ſigned by the perſon who ſigned ſuch notice.

Certificates to be made out by Proceſſioner to be returned Clerk.

VI. *And be it further enacted by the authority aforeſaid*, That the Proceſſioner ſhall make out a certificate in words at full length for each tract of land by him proceſſioned; which certificate ſhall contain the claimant's name, the quantity of acres, the corners and number of poles contained in each line, ſigned by ſuch Proceſſioner, and the certificate made out as aforeſaid, ſhall be returned to the Clerk of the county where ſaid lands lie, together with a copy of the ſeveral notices.

Who muſt record it, &c.

VII. *And be it further enacted by the authority aforeſaid*, That the Clerk upon receiving ſuch certificate, ſhall record the ſame in a bound book ſpecially kept for that purpoſe, and file the ſame, with the notices, in his office.

Fees of Proceſſioners and Clerks.

VIII. *And be it further enacted by the authority aforeſaid*, That the Proceſſioner ſhall be entitled to half the fees directed by law for ſurveying lands, and the Clerks ſhall be entitled to receive two ſhillings for every certificate by them recorded as aforeſaid; all of which fees ſhall be paid by the proprietor of the land proceſſioned.

IX. *And be it further enacted by the authority aforeſaid*, That all acts and clauſes of acts which come within the purview and meaning of this act, be and the ſame are heaeby repealed and made void.

1792.
Repealing clauſe.

CHAP. X. *An Act to lay a duty of tonnage on veſſels, for the purpoſe of deepening the Swaſh Channel near Occacock Bar.*

Repealed by 1793, 22.

CHAP. XI. *An Act to amend an act, entitled*, An act to prevent any perſon who now does, or who may hereafter hold any office, appointment or authority under the federal government, from being eligible to a ſeat in the General Aſſembly of this ſtate; and to prevent any perſon from holding or exerciſing any office or appointment under the authority of the ſaid ſtate ſo long as they continue to hold or exerciſe any office or appointment under the authority of the United States.

1790, 6, 697.
1793, 22.

WHEREAS in the above recited act, it is enacted that no citizen of this ſtate ſhall hold at one and the ſame time, any office of truſt, profit or emolument under the authority of the United States, and any office or authority, civil or military, judiciary or otherwiſe, under the authority of this ſtate; which ſaid act is by many of the officers of this ſtate not attended to, by reaſon of no penalty being affixed to ſaid act for a violation thereof: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That any officer, civil, military, judiciary or otherwiſe, who now does, or who hereafter may, hold any office or appointment from the authority of this ſtate, and acting at the ſame time in any office, or under any appointment from the Congreſs of the United States, or any department thereof, at the ſame time, without reſigning his ſtate appointment, ſhall for every ſuch offence forfeit and pay the ſum of one hundred pounds; to be recovered in any court of record within this ſtate, one half to the perſon ſuing for the ſame, the other half to be applied to the uſe of the ſtate; any thing to the contrary notwithſtanding.

Penalty on officers of the U. States acting as officers of this ſtate.

CHAP. XII. *An Act to amend an act, entitled*, An act directing the mode of raiſing a fund in the ſeveral ports of this ſtate for the ſupport of ſick ſeamen, and the manner of appropriating the ſame.

1789, 60, 690.
1790, 22, 704.

WHEREAS the above recited act bears hard in many inſtances on maſters of veſſels and ſeamen reſiding within the ſtate paying taxes in ſupport of the government thereof:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all ſuch maſters of veſſels and ſeamen reſiding within this ſtate, and having paid, and who continue to pay taxes in ſupport of the government thereof, are hereby exempted from the payment of any part of the hoſpital money impoſed by the ſaid act.

Certain perſons exempted from paying Hoſpital money.

CHAP. XIII. *An Act to amend an act, entitled*, An act for appointing an additional Judge of the Superior Court of the Diſtrict of Morgan, and for the relief of perſons who have or may hereafter forfeit their recognizances in the Superior and County Courts.

1788, 32, 643.

WHEREAS by the third ſection of the before recited act, it is enacted, that there ſhall be a majority of the Juſtices in any county preſent in court to remit any forfeited recognizance; which many times renders it impoſſible for perſons to have that relief which they are entitled to, by reaſon of there never being a majority of Juſtices at court in many counties within this ſtate: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, it ſhall and may be lawful for any of the county courts within this ſtate, to remit any forfeited recognizance which they have juriſdiction of, either in whole or in part as may ſeem juſt to them, on hearing the party's excuſe: *Provided*, five Juſtices of the Peace in ſaid county ſhall be preſent at the time any ſuch forfeiture is remitted.

County courts may remit forfeited recognizances.

II. *And be it further enacted by the authority aforeſaid*, That ſo much of the before recited act as comes within the meaning and purview of this act, is hereby repealed and made void.

Repealing clauſe.

1792.

1791, 6, 4.
O. C. 1788, 652.

CHAP. XIV. *An Act to confirm the proceedings of the Commiſſioners appointed under an act of the laſt General Aſſembly, entitled,* An act to carry into effect the Ordinance of the Convention held at Hillſborough in July one thouſand ſeven hundred and eigty-eight, entitled, An Ordinance for eſtabliſhing a place for holding the future meetings of the General Aſſembly, and the place of reſidence of the chief officers of the ſtate.

WHEREAS a majority of the Commiſſioners appointed by the General Aſſembly under the above recited act, *to wit*, Frederick Hargett, Willie Jones, Joſeph M'Dowell, Thomas Blount, William Johnſton Dawſon and James Martin, Eſquires, in purſuance of the powers and authorities in them veſted, did on the fourth Monday of April laſt, purchaſe of Joel Lane, Eſq. one thouſand acres of land for the uſe of the public, as appears by a deed from the ſaid Joel Lane to Alexander Martin, Eſquire, Governor for the time being, for the uſe of the ſtate, bearing date the fifth day of April, one thouſand ſeven hundred and ninety-two, adjoining the tract whereon the ſaid Joel Lane now lives, at Wake county court-houſe, and have cauſed to be laid off thereon the plan of a city containing four hundred acres of land, and comprehending, beſides ſtreets, two hundred and ſeventy ſix lots of one acre each; which plan, together with their proceedings at large, they have reported to this General Aſſembly:

Proceedings of the Commiſſioners ratified.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all and ſingular the proceedings of the ſaid Commiſſioners relative to the premiſes, be, and the ſame are hereby, recognized, confirmed and ratified, fully and completely, to all intents and purpoſes.

The plan &c. of the city ratified.

II. *And be it further enacted by the authority aforeſaid,* That the plan of a city ſo laid off, and reported to the preſent General Aſſembly by the Commiſſioners aforeſaid, ſhall be, and the ſame is hereby received, confirmed and ratified, by the name of the city of Raleigh; and the ſeveral ſtreets repreſented in the plan, and the public ſquare whereon the ſtate-houſe is to be built, ſhall be called and forever known by the names given to them reſpectively by the Commiſſioners aforeſaid; which plan, together with the deed for the land purchaſed, with a plat thereof annexed, ſhall be forthwith recorded in the Secretary's office.*

Names of the public ſquares.

III. *And be it further enacted by the authority aforeſaid,* That the public ſquare compoſed of number two hundred forty-ſix, two hundred forty-ſeven, two hundred ſixty-two and two hundred ſixty-three, ſhall be called and known by the name of Caſwell ſquare: That the public ſquare compoſed of lots number two hundred thirty-eight, two hundred thirty-nine, two hundred fifty-four and two hundred fifty-five, ſhall be called and known by the name of Burke ſquare: That the public ſquare compoſed of lots number one hundred eighteen, one hundred nineteen, one hundred thirty-four and one hundred thirty-five, ſhall be called and known by the name of Naſh ſquare: And that the public ſquare compoſed of lots number one hundred ten, one hundred eleven, one hundred twenty-ſix and one hundred twenty-ſeven, ſhall be called and known by the name of Moore ſquare.

When the ſtate Houſe is complete, the Aſſembly to meet there, &c.

IV. *And be it further enacted by the authority aforeſaid,* That as ſoon as the ſtate-houſe now building on Union ſquare in the ſaid city of Raleigh is fit for the reception of the General Aſſembly, they ſhall adjourn to that place; from which time all the chief officers of the ſtate, *viz.* the Treaſurer, Secretary of ſtate and Comptroller, ſhall hold their reſpective offices in the ſaid city of Raleigh, which ſhall be thence forward held, deemed and conſidered the permanent and unalterable ſeat of the government of the ſtate of North-Carolina, and the place of reſidence of the chief officers of the ſtate, any law or laws to the contrary notwithſtanding.

Temporary.

CHAP. XV. *An Act directing the manner of appointing electors to vote for a Preſident and Vice-Preſident of the United States.*

CHAP. XVI. *An Act relative to the appointment of Electors to vote for a Preſident and Vice-Preſident of the United States.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That this ſtate ſhall be divided into twelve diſtricts for the pur-

* *The State-Houſe which has been erected, in Union Square, ſince the Plan was printed, has been placed differently than it is there marked. Its broader ſides front Newbern and Hillsborough ſtreets.*

The ſtate divided into diſtricts and manner of chooſing Electors, &c.

poſe of chooſing twelve Electors to vote for a Preſident and Vice-Preſident of the United States: That the counties of Burke, Rutherford, Lincoln, Wilkes and Buncombe, ſhall compoſe one diſtrict; the counties of Surry, Iredell, Stokes and Rockingham, ſhall compoſe one diſtrict; the counties of Orange, Caſwell, Guilford and Randolph, ſhall compoſe one diſtrict; the counties of Rowan, Mecklenberg and Montgomery, ſhall compoſe one diſtrict; the counties of Granville, Perſon, Wake and Chatham, ſhall compoſe one diſtrict; the counties of Warren, Halifax, Franklin and Naſh, ſhall compoſe one diſtrict; the counties of New-Hanover, Brunſwick, Bladen, Duplin and Onſlow, ſhall compoſe one diſtrict; the counties of Cumberland, Richmond, Anſon, Robeſon, Moore and Sampſon, ſhall compoſe one diſtrict, the counties of Craven, Carteret, Jones, Johnſton, Wayne and Lenoir, ſhall compoſe one diſtrict; the counties of Pitt, Glaſgow, Hyde, Beaufort and Edgcomb, ſhall compoſe one diſtrict; the counties of Bertie, Martin, Northampton and Hertford, ſhall compoſe one diſtrict; and the counties of Chowan, Tyrrel, Gates, Perquimans, Currituck, Paſquotank and Camden, ſhall compoſe one diſtrict: That the perſons in the ſaid counties reſpectively, qualified to vote for Members of the Houſe of Commons in this ſtate, ſhall on the firſt Monday of November, in the year ſeventeen hundred and ninety-ſix, and on the firſt Monday of November in every fourth year thereafter, meet at the place or places by law eſtabliſhed in their ſeveral counties for the election of Members of the General Aſſembly, and there give their votes for ſome diſcreet and ſober perſon, being a freeholder and actually reſident within the diſtrict for which he ſhall be elected, as an Elector to vote for a Preſident and Vice-Preſident of the United States; that the poll ſhall be held in the ſame manner as for the election of Members of the General Aſſembly. And the Sheriffs of the counties within the ſeveral diſtricts, ſhall on the Saturday after the firſt Monday of November, in the year ſeventeen hundred and ninety-ſix, and on the Saturday after the firſt Monday of November in every fourth year thereafter, meet at the court-houſe of the county firſt named in ſuch diſtrict, and then and there compare the polls taken at the elections in their ſeveral counties, and having aſcertained by faithful addition and compariſon of the numbers of the votes, the perſon having the greateſt number of votes, (giving their own votes in caſe the two foremoſt on the poll have an equal number) ſhall proceed to certify ſuch election, under their hands and ſeals, in manner and form following, *to wit*, "We *A. B.* Sheriff of county [or Deputy-Sheriff as the caſe may be] *C. D.* Sheriff of county [and ſo on reciting the names of the Sheriff or returning officer of each county within the diſtrict] compoſing one entire diſtrict entitled by law to appoint an Elector to vote for a Preſident and Vice-Preſident of the United States, do hereby certify, that at an election held on the day of November, at the places by law appointed within our reſpective counties, the voters qualified to vote for this purpoſe, have choſen as an Elector to vote for a Preſident and Vice-Preſident of the United States. Given under our hands and ſeals this day of one thouſand ſeven hundred and ." Two fair duplicates of ſuch certificate and return ſhall be made by the ſaid Sheriffs, under their hands and ſeals, in the manner before recited; one of which ſhall be delivered to the perſon elected to repreſent the diſtrict, and the other ſhall be tranſmitted to the Governor within twelve days, under the penalty of one hundred pounds upon each and every Sheriff holding ſuch election in caſe of failure herein; to be recovered by the Attorney or Solicitor-General, to the uſe of the ſtate, by action of debt, bill or plaint in any court of record. And the Governor ſhall, upon the receipt of ſuch certificates, proceed to make out and certify three liſts of the names of the perſons ſo choſen, which liſts he ſhall cauſe to be delivered to the ſaid Electors on or before the firſt Wedneſday of December then next enſuing, as directed by the act of Congreſs.

Electors to vote for a Preſident, &c.

II. *And be it further enacted*, That the Electors ſo choſen ſhall aſſembly at the Seat of Government, on the firſt Wedneſday of December, in the year ſeventeen hundred and ninety-ſix, and on the firſt Wedneſday of December next after their appointment in every year that they ſhall be appointed, and give their votes for a Preſident and Vice-Preſident of the United States.

Proceedings when offices of Preſident & Vice Preſident ſhall both become vacant, &c.

III. *And be it further enacted*, That whenever the offices of Preſident and Vice-Preſident ſhall both become vacant, it is hereby declared to be the duty of the Governor of this ſtate, upon receiving a notification of ſuch vacancy from the Secretary of State of the United States, forthwith to iſſue his proclamation, directing the Sheriffs of the ſeveral counties of this ſtate, to hold elections within their reſpective counties for the appointment of Electors of Preſident and Vice-Preſident of the United States, on the firſt Monday of November then next enſuing. Provided there ſhall be the ſpace of two months between the date of ſuch notification, and the firſt Wedneſday of December next follo ving

the ſaid date: but if there ſhall not be the ſpace of two months between the date of the ſaid notification and the ſaid firſt Wedneſday of December, then the Governor ſhall ſpecify in his proclamation that the Electors ſhall be appointed or choſen on the firſt Monday of November, preceding the firſt Wedneſday of December in the year next enſuing; and the regular times of chooſing the ſaid Electors after filling the offices of Preſident and Vice-Preſident, ſhall be on the firſt Monday of November in every fourth year thereafter. *And it is alſo declared*, That the Electors appointed in the manner directed by this ſection of the preſent act, ſhall meet at the Seat of Government, on the firſt Wedneſday in December next after their appointment, and give their votes for a Preſident and Vice-Preſident of the United States.

Penalty on Electors, Sheriffs, &c, for neglect, &c.

IV. *And be it further enacted*, That each Elector choſen purſuant to this act, and with his own conſent previouſly ſignified, failing to attend and vote for a Preſident and Vice-Preſident of the United States, at the time and place herein directed, ſhall (except in caſe of ſickneſs, or other unavoidable accident) forfeit and pay two hundred pounds; to be recovered by the Attorney or Solicitor-General, to the uſe of the ſtate, by action of debt, bill or plaint, in any court of record: Any Sheriff or returning officer refuſing to take the poll when he ſhall be required by a perſon qualified to vote; or making or ſigning a falſe certificate or return of election as herein before directed, or making any eraſure or alteration in the poll-books, or refuſing to ſuffer any candidate or perſon qualified to vote, at his own expence, to take a copy of the poll-books, ſhall forfeit and pay one hundred pounds; which penalty may be recovered with coſts, in action of debt, by any perſon who will ſue for the ſame, one half to his own uſe and the other half to the uſe of the ſtate: Any candidate, or other perſon in his behalf, who ſhall directly or indirectly give, or agree to give, any voter, money, meat, drink, or other reward, in order to be elected, or for having been elected, ſhall forfeit and pay five hundred pounds; to be recovered with coſts, by action of debt, to the uſe of any perſon who will ſue for the ſame.

Allowance to Electors and Sheriffs.

V. *And be it further enacted*, That the Electors ſo appointed, ſhall be allowed for their travelling eight pence per mile, with ferriages, and for their daily attendance twenty-five ſhillings per day, and be entitled to the ſame privileges as Members of the General Aſſembly; the ſame allowances ſhall be made to the Sheriffs for their travelling expences and attendance to compare the polls, with an additional allowance of the expence they may incur for conveying the duplicate of their certificate to the Governor.

CHAP. XVII. *An Act for dividing the ſtate into diſtricts, for the purpoſe of electing Repreſentatives to Congreſs.*

State divided into ten diſtricts; each to elect a Repreſentative.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That this ſtate ſhall be divided and laid off into ten Diſtricts as follows, *viz.* The counties of Burke, Wilkes, Lincoln, Rutherford and Buncomb, ſhall compoſe the firſt diſtrict: the counties of Rowan, Mecklenberg, Cabarrus, Iredell and Montgomery, ſhall form the ſecond diſtrict: the counties of Stoke[illegible], Surry, Rockingham, Caſwell and Guilford, ſhall form the third diſtrict: the counties of Orange, Perſon, Randolph and Chatham, ſhall form the fourth diſtrict: the counties of Franklin, Wake, Warren, Naſh and Granville, ſhall form the fifth diſtrict: the counties of New-Hanover, Brunſwick, Duplin, Bladen, Onſlow and Sampſon, ſhall form the ſixth diſtrict: the counties of Cumberland, Anſon, Richmond, Moore and Robeſon, ſhall form the ſeventh diſtrict: the counties of Chowan, Perquimans, Paſquotank, Camden, Currituck, Gates, Tyrrel, Bertie and Hertford, ſhall form the eighth diſtrict: the counties of Edgcomb, Halifax, Martin, Pitt, Beaufort and Northampton, ſhall form the ninth diſtrict: and the counties of Jones, Carteret, Craven, Lenoir, Glaſgow, Wayne, Johnſton and Hyde, ſhall form the tenth diſtrict: each of which diſtricts ſhall be entitled to elect and ſend one Repreſentative to the Congreſs of the United States; and the perſon elected in each diſtrict, ſhall be a reſident or inhabitant of that diſtrict for which he is elected, during the ſpace or term of one year before or at the time of his election.

Time, place, & manner of holding elections, &c.

II. *Be it further enacted by the authority aforeſaid*, That the election ſhall be held in each county within the aforeſaid diſtricts, on the ſecond Thurſday and Friday in February, one thouſand ſeven hundred and ninety-three, and on the ſame days every two years after; which elections ſhall be held

at the places appointed by law for the annual elections of members of the General Aſſembly; and the ſame are to be conducted in like manner with the ſaid annual elections, except that the inſpectors of the election, and clerks of the poll, ſhall be ſworn to act with juſtice and impartiality; which oath ſhall be adminiſtered by any Juſtice of the Peace then preſent: and each and every freeman, entitled to vote for a member of the Houſe of Commons, ſhall and may vote for a Repreſentative. And in counties where ſeparate places of election have or ſhall be eſtabliſhed by law, the elections directed by this act ſhall be conducted by the returning officer, in the ſame manner as elections for members of the General Aſſembly heretofore had; ſuch officer making return of the poll agreeable to this act.

Duty of Sheriff on cloſing the poll, &c.

III. *And be it further enacted by the authority aforeſaid*, That immediately after the election is cloſed in each county, the Sheriff, or other returning officer, ſhall in preſence of the inſpectors of the election, caſt up the ſcrolls and make out two correct ſtatements of the number of ſuffrages given in his county to each candidate; one of which ſtatements, ſhall be by the inſpector filed in the clerk's office of their reſpective counties, after the ſame is duly certified by the ſaid returning officer and a majority of the inſpectors; and the Sheriff or other returning officer, by himſelf or deputy, ſhall attend with the other, on the day and at the places herein after mentioned, and at the ſame time and place the poll for the different counties, ſhall by the ſaid Sheriffs or their deputies, or other returning officers (as the caſe may be) in preſence of three Juſtices of the Peace, who are to be ſummoned by the Sheriff or other returning officer of the county wherein they ſhall meet for that purpoſe, be examined and compared, and a certificate under the hands and ſeals of the ſaid returning officers, ſhall be given to the candidate in each diſtrict, for whom the greateſt number of votes ſhall have been given; but if two or more candidates ſhall have an equal number of votes, the ſaid returning officers ſhall determine which of them ſhall be the Repreſentative; and if no deciſion is by them made, then they ſhall decide the ſame, by drawing in like manner as the Grand Jury is drawn in the Superior Courts.

Repreſentative to obtain certificate and commiſſion.

IV. *And be it further enacted by the authority aforeſaid*, That each and every perſon, who ſhall be duly elected a Repreſentative under this act, ſhall upon obtaining a certificate of his election, according to the directions abovementioned, obtain from his Excellency the Governor, a commiſſion, certifying his appointment as a Repreſentative of this ſtate; which commiſſion the Governor is hereby empowered and required, on his producing ſuch certificate, to iſſue.

Sheriffs when to meet, and penalty for neglect, &c.

V. *And be it further enacted by the authority aforeſaid*, That the Sheriffs or other returning officers, ſhall meet on the Thurſday next after each election, at the Court-houſe of the county firſt mentioned, in their reſpective diſtricts. *Provided always*, That if any accident ſhall happen to either of the returning officers, which may prevent their meeting on the day aforeſaid, the returns of each officer ſhall be received on the day following: and the Sheriff, Coroner, or other returning officer, failing to attend at the time and place above mentioned, ſhall forfeit and pay the ſum of fifty pounds, to be recovered for the uſe of the ſtate, upon due proof thereof in any court of law within this ſtate, by an action of debt, by the Treaſurer of the ſtate for the time being.

Allowance to Sheriff.

VI. *And be it further enacted by the authority aforeſaid*, That the Sheriff or other returning officer holding elections in purſuance of this act, ſhall be allowed the ſum of twenty-five ſhillings for every thirty miles travelling to, and returning from the places of comparing the polls, and the ſame ſum for every day they ſhall neceſſarily attend in comparing as aforeſaid, which ſhall be paid by the Treaſurer on affidavit of the Sheriff or returning officer, for their ſervices as aforeſaid, including ferriages.

Former acts repealed.
1789, 1, 661.
1790, 1, 694.

VII. *And be it further enacted by the authority aforeſaid*, That an act paſſed at the General Aſſembly held at Fayetteville, one thouſand ſeven hundred and eighty-nine, entitled, "An act directing the manner of electing Repreſentatives to repreſent this ſtate in the Congreſs of the United States;" likewiſe one other act to amend the aforeſaid act, paſſed at Fayetteville, one thouſand ſeven hundred and ninety, be and the ſame are hereby repealed and made void.

CHAP. XVIII. *An Act to amend the ſeveral acts of Aſſembly which reſpect the duties of the Comptroller of the public accounts of this ſtate.*

1782, 12, 435.
1786, 10, 582.
1787, 12, 613.
1788, 21, 638.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the perſon who at any time hereafter ſhall be appointed Comptroller, before entering on the duties of that appointment, ſhall give bond with ſufficient ſecurity payable to the Governor for the time being, for the uſe of the ſtate, in the ſum of ten thouſand pounds,

Comptroller to give bond.

1792.

conditioned for the ſafe keeping of the public books of accounts, and all vouchers which may come into his poſſeſſion, and for the faithful performance of his duty in office.

Comptroller to ſettle public accounts of the ſtate, &c.

II. *And be it further enacted*, That it ſhall be the duty of the Comptroller to ſettle and report on all public accounts of the ſtate, and to keep regular books and ſtatements of the ſame; which he ſhall do in manner following, that is to ſay, he ſhall report the net amount which ſhall annually become due and payable from the reſpective revenue officers to the Treaſurer of the ſtate (to the end he may be informed of the ſame and inforce the due payment thereof) firſt raiſing an account and debiting in his book each officer ſo reported againſt, whom he ſhall credit by the account of ſuch receipts as they or any of them ſhall from time to time produce from the Treaſurer.

Treaſurer to grant two receipts, &c.

III. *And be it further enacted*, That the Treaſurer ſhall, in all payments made to him, grant two receipts of the ſame tenor and date; one of which receipts ſhall be filed in the Comptroller's office, and the other ſhall be endorſed by the Comptroller, and continue with the perſon who has made the payment; without which indorſement of the Comptroller, no receipt ſaid to be given by the Treaſurer ſhall be operative.

Comptroller to open an account with the Treaſurer, &c.

IV. *And be it further enacted by the authority aforeſaid*, That the Comptroller ſhall open an account with the Treaſurer, in which he ſhall debit him with the amount of each reſpective receipt which he ſhall have ſo placed as aforeſaid to the credit of the accounting revenue officers, and credit him by the amount of ſuch warrants and other caſh claims as he ſhall produce and deliver.

And with individuals, &c.

V. *And be it further enacted*, That it ſhall alſo be the duty of the Comptroller to raiſe accounts and report in like manner againſt individuals who may become chargeable on any of the warrants or vouchers hereafter paid him as though they were revenue officers, taking care not to blend ſuch accounts and reports with thoſe already raiſed or made, or which may be hereafter raiſed and made on vouchers in the Comptroller's office.

Public monies recoverable by law, how payable.

VI. *And be it further enacted*, That all monies becoming payable to the public in the year one thouſand ſeven hundred and ninety-three, and in each ſucceeding year, which ſhall not be paid in due time but ſhall be ſued for and recovered, when received, ſhall be paid into the treaſury by the Clerk of the court in which the recovery ſhall be had; and the receipt for ſuch payments ſhall be rendered to the Comptroller, charged and filed by him in manner aforeſaid.

Comptroller to ſtrike a balance & make report.

VII. *And be it alſo enacted by the authority aforeſaid*, That it ſhall be the duty of the Comptroller, on the firſt day of November annually, to ſtrike a balance againſt the Treaſurer, and all other public accountants in arrear; and report a ſtatement of the ſame to the General Aſſembly, with whom he ſhall ſettle his own accounts for the warrants and other claims received of the public Treaſurer.

Theſe regulations when to take effect

VIII. *And be it further enacted*, That the aforeſaid regulations ſhall take effect on the firſt day of January next, and ſhall apply to the taxes of one thouſand ſeven hundred and ninety-two, and all other public dues payable in the year one thouſand ſeven hundred and ninety-three and thenceforward.

Comptroller's election.

IX. *And be it further enacted*, That the Comptroller ſhall be annually elected by the General Aſſembly, in the ſame manner that the public Treaſurer is elected.

Repealing clauſe.

X. *And be it further enacted by the authority aforeſaid*, That ſo much of the acts of Aſſembly of this ſtate which come within the purview hereof, be and the ſame are repealed and made void.

Comptroller's official to be received as evidence.

XI. *And be it further enacted by the authority aforeſaid*, That an official, ſigned by the Comptroller, ſhall be received as teſtimony in the different courts of this ſtate.

1791, 14, 8.

CHAP. XIX. *An Act to repeal the ſixth ſection of an act paſſed at the laſt ſeſſion of the General Aſſembly, entitled*, An act to improve the inſpection of flour and other commodities in this ſtate, and to alter the Inſpectors' fees in certain inſtances.

WHEHEAS the ſixth ſection of the ſaid act is found injurious to the good citizens of the ſtate, and not to anſwer the purpoſes intended by the legiſlature:

Repealing clauſe.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid ſixth ſection of the before recited act, and every part thereof, be, and the ſame is hereby declared to be repealed and made void.

1792.

2,'77, 2,296.

CHAP. XX. *An Act for altering the time of holding the Superior Courts of Law and Equity in the diſtrict of Wilmington, and the county courts therein named; and to amend an act, entitled,* An act for eſtabliſhing courts and regulating the proceedings therein.

WHEREAS the time for holding the Superior Courts of Law and Equity for the diſtrict of Wilmington are found very inconvenient and dangerous:

Time of holding ſuperior court in Wilmington diſtrict.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the Superior Courts of Law and Equity for the diſtrict herein named, ſhall be held at the uſual place on the following days, that is to ſay, on the thirteenth days of May and November; to which times reſpectively all matters and things depending in the ſaid court ſhall ſtand adjourned. *Provided always,* That if the day appointed for holding the ſaid courts ſhould happen on Sunday, then ſuch court ſhall commence the next ſucceeding day, any thing herein contained to the contrary notwithſtanding.

County court of New-Hanover when held.

II. *And be it further enacted,* That the court for the county of New-Hanover ſhall commence on the laſt Mondays of May, Auguſt, November and February, in each year, and ſhall continue to ſit for ſix week-days, unleſs the buſineſs thereof ſhall be ſooner finiſhed; to which times all matters and things in the ſaid court depending ſhall ſtand adjourned, and be continued from the court which will be next in courſe after the paſſing of this act, and ſhall be valid in law to all intents and purpoſes.

Sheriff to adjourn the ſuperior court when a Judge fails to attend.

III. Whereas there is no proviſion made by the act, entitled, "An act for eſtabliſhing courts and regulating the proceedings therein," for adjourning the ſame in caſe the Judge or Judges thereof ſhould not attend: *Be it therefore enacted by the authority aforeſaid,* That if the Judge or Judges of the ſeveral Superior Courts of Law and Courts of Equity ſhould fail to attend on the firſt day of the term of any of the ſaid courts reſpectively, it ſhall and may be lawful for the Sheriff of the county where the ſaid courts ſhall be held, and he is hereby authoriſed to adjourn the ſaid court or courts from day to day for any term not exceeding three days, and if the ſaid Judges or any one of them, do not attend on or before the expiration of the third day of the term of the ſaid courts reſpectively, it ſhall and may be lawful for the ſaid Sheriff to adjourn the ſaid court or courts to the term next in courſe.

CHAP. XXI. *An Act for dividing the County of Mecklenberg.*

Diviſion of Mecklenberg county, &c.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the county of Mecklenberg ſhall be divided as follows, *to wit,* beginning at where Iredell line croſſes the eaſtern branch of Rocky river, then down the ſaid branch to its junction with the weſt branch which comes from Colonel Oſborne's, from thence to where the waggon road croſſes Clerk's creek, a little to the weſt of Captain Pickens, thence to the barn of Adam Meek, ſen. thence to a cluſter of large rocks a little to the ſouth-eaſt of the great road from Colonel Smith's to Charlotte, not far diſtant from ſaid Smith's, thence to James Stafford's, and from thence to the mouth of Clear creek; and all that part of the county of Mecklenberg aforeſaid lying weſt and ſouth of ſaid dividing line, ſhall continue and remain a diſtinct county by the name of Mecklenberg; and all that part of the ſaid county lying north and eaſt of ſaid line, ſhall be erected into a new and diſtinct county by the name of Cabarrus.

Court of Cabarrus when held.

II. And for the due adminiſtration of juſtice, *Be it enacted by the authority aforeſaid,* That the court for the ſaid county of Cabarrus ſhall be conſtantly held on the third Mondays of January, April, July and October in each and every year; and their firſt court ſhall be held at the houſe of Robert Ruſſel, but the Juſtices of the ſaid court may adjourn to any other place more convenient until a court-houſe ſhall be built, and ſhall exerciſe and enjoy the ſame powers, privileges and juriſdictions as other Juſtices and county courts in this ſtate enjoy or exerciſe.

To be in Saliſbury diſtrict.

III. *And be it further enacted by the authority aforeſaid,* That the ſaid county of Cabarrus be, and remain a part of the diſtrict of Saliſbury, and ſhall appoint five jurors to attend the Superior Court of ſaid diſtrict.

Taxes, &c. due by whom collected.

IV. *And be it further enacted by the authority aforeſaid,* That nothing herein contained ſhall be conſtrued to bar the Sheriff or Collectors for the ſaid county of Mecklenberg as it ſtood undivided to make diſtreſs for any taxes, fees or other dues now actually due and owing.

Commiſſioners to run the dividing line, &c.

V. *And be it further enacted by the authority aforeſaid,* That James Harris, Joſeph Moore Carpen-

1792. ter, William Orr, George Alexander and Zacheus Wilſon, Eſquires, or a majority of them, be, and are hereby appointed Commiſſioners to ſuperintend the running the dividing line, and cauſe the ſame to be entered of record in each of the ſaid counties of Mecklenberg and Cabarrus; and the ſaid Commiſſioners are hereby authoriſed to employ two Surveyors, one of which may be reſident in each of the counties aforeſaid.

Commiſſioners to fix on the place for Court-houſe.

VI. *And be it further enacted by the authority aforeſaid*, That Paul Barringer, John Lepard, Joſeph Shim, Daniel Jarrett, Alexander Ferguſon, James Bradſhaw, James Aairis, ſen. Zacheus Wilſon, Archibald Houſton, Benjamin Patton and Robert Smith, are hereby appointed Commiſſioners to fix on the moſt central place in ſaid county for the purpoſe of erecting a court-houſe, priſon and ſtocks.

Commiſſioners to purchaſe land, &c.

VII. *And be it further enacted by the authority aforeſaid*, That Archibald Houſton, Martin Phifer, John Means, Daniel Jarret and George Maſters, or a majority of them, are hereby authoriſed and empowered to purchaſe fifty acres of land, and contract with workmen for the purpoſe of erecting the neceſſary buildings in ſaid county, as ſoon as the Commiſſioners ſhall fix on the centre.

Sheriff of Cabarrus to account as other Sheriffs.

VIII. *And be it further enacted by the authority aforeſaid*, That the Sheriff and other holders of public money in the county of Cabarrus, ſhall, from time to time, account for and pay into the public treaſury of this ſtate all public money wherewith they ſhall ſtand chargeable, in the ſame manner and under the ſame pains and penalties by law, as any other Sheriffs or holders of public money are obliged to account in the ſtate.

IX. *Temporary.*

Cauſes, &c. commenced in Mecklenberg to be determined there.

X. *And be it further enacted by the authority aforeſaid*, That all manner of ſuits, cauſes and pleas whether civil or criminal, now commenced or depending in the ſaid county court of Mecklenberg ſhall continue, and may be proſecuted to a final end and determination, in the ſame manner as if this act had never been made, any thing herein contained to the contrary notwithſtanding.

1793, 34. CHAP. XXII. *An Act to eſtabliſh a Company for the purpoſe of facilitating the navigation of Cape-Fear river, from Fayetteville up to the confluence of Haw and Deep rivers.*

WHEREAS navigation is the life and main ſpring of commerce, and it being repreſented to this General Aſſembly that it is practicable by means of canals, locks, et cetera, to render ſafe and eaſy the navigation of Cape-Fear river, from the town of Fayetteville up to the confluence of Haw and Deep rivers, greatly to the benefit of the inhabitants of the weſtern part of this ſtate; the point where the junction of the two rivers is formed, being within twenty-five miles of the permanent ſeat of government, within eighteen miles of the place appointed for the Univerſity; within thirty-five miles from the town of Hillſborough, and within nine miles of Pittſborough.

Cape-Fear company incorporated.

I. *Therefore be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the following perſons James Porterfield, Philemon Hodges, William Rand, John Porterfield, Abner Chapman, William Hays, Britain Sanders, John Macon, Thomas Stokes, Ambroſe Ramſey, Zacheriah Harman, John Ferrington, William Smith, Jonathan Lindſey, James Beeman, William M'Cawley, Joſeph Stewart and Thomas H. Perkins are hereby appointed, incorporated and ſtyled the Cape-Fear company, with full power to receive ſubſcriptions, or donations from ſuch public ſpirited perſons as may be inclined to aid this laudable undertaking, and diſpoſe thereof as they may think beſt for the purpoſes aforeſaid.

May ſue, &c.

II. *Be it further enacted by the authority aforeſaid*, That the ſaid company by the name and ſtyle aforeſaid, may ſue and be ſued, implead and be impleaded in any court in this ſtate, and make ſuch rules for their own government as they ſhall think proper, not inconſiſtent with the conſtitution, or laws of this ſtate.

Penalty for damage done their works, &c.

III. *And be it further enacted*, That if any perſons ſhall wilfully cut, break down, damage or deſtroy any bank, or other work to be erected or made for the purpoſe of the ſaid navigation, or do any act or thing deſignedly, to injure the ſaid navigation, ſuch perſon ſhall be anſwerable to the ſaid company for double the damages ſuſtained thereby.

This act to be deemed a public act, &c.

IV. *And be it further enacted*, That this act ſhall be deemed and taken a public act, and judicially taken notice of as ſuch, and liberally conſtrued for carrying the purpoſes aforeſaid into effect.

Vacancies of commiſſioners how filled.

V. *And be it further enacted by the authority aforeſaid*, That in caſe of removal, death, diſqualification, reſignation, or refuſal to act of any of the Commiſſioners by this act appointed, the ſurviv-

ing or acting Commiſſioners may appoint others in their ſtead to fill ſuch vacancy.

1792.

VI. *And be it further enacted*, That the ſaid Commiſſioners ſhall convene at the houſe of Mr. Ragland, near the Great Falls, on the laſt Thurſday in May next, then and there to appoint their own officers, and make ſuch rules and regulations as to them ſhall ſeem neceſſary. Meeting of commiſſioners, &c.

VII. *And be it further enacted*, That Iſaac Williams and George Elliot be, and are hereby appointed Commiſſioners for the improvement of the navigation of Cape-Fear, and ſhall poſſeſs and exerciſe all the powers and authorities veſted in the former Commiſſioners for that purpoſe.

CHAP. XXIII. *An Act to alter and amend the ſeveral acts for regulating the pilotage, and facilitating the navigation of Cape-Fear river, and to appropriate the materials and monies not yet uſed, which were collected under the authority of the ſtate, for the purpoſe of building a Light-Houſe on Baldhead.* 1783, 20, 467. 1, '84, 27, 499. 1786, 50, 602.

WHEREAS it hath been made appear to this General Aſſembly, that the number of nine Commiſſioners is fully competent to the regulation of ſaid pilotage and navigation:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, there ſhall be but nine Commiſſioners of pilotage for Cape-Fear river, who ſhall be veſted with all, and ſingular the powers and authorities with which the former number of thirteen were veſted with, by the ſeveral acts of Aſſembly for that purpoſe made. And whereas, by removal or otherwiſe, there are at preſent but ſix Commiſſioners of pilotage for ſaid river. Commiſſioners of Cape-Fear pilotage, their power, &c.

II. *Be it enacted*, That James Walker, Henry Urquhart and William Nutt be, and they are hereby appointed Commiſſioners for regulating the pilotage and navigation of Cape-Fear river; veſted with the ſame powers and authorities as the remaining Commiſſioners. And whereas, the diſtinction of Main Bar Pilots and New Inlet Pilots, is productive of much inconvenience to the trade of the ſaid river of Cape-Fear: Commiſſioners, named, &c.

III. *Be it enacted*, That for the future the Pilots for Cape-Fear bar, ſhall be ſeverally authoriſed and empowered to pilot and convey any veſſel or veſſels out of, or into the ſaid river, either over the Main-Bar or over the New Inlet bar: Provided nevertheleſs, that ſuch Pilots as are now in Commiſſion, ſhall continue in the ſame branch in which they are commiſſioned until the nineteenth day of January next, when the ſaid Commiſſioners are required to meet at Wilmington, and to grant new commiſſions for the purpoſe aforeſaid, to ſuch of the Pilots as have heretofore been commiſſioned agreeable to law, and to ſuch other perſons as may apply for the ſame, on their proving themſelves qualified to act. Power of the pilots, &c.

IV. *And be it further enacted*, That in caſe of death, refuſal to act, or removal from New-Hanover and Brunſwick counties, or other diſability of any of the preſent Commiſſioners, it ſhall and may be lawful for the remaining Commiſſioners, or a majority of them, and they are hereby directed to elect another, or others in the room of ſuch Commiſſioner, ſo that the reſidence of ſuch new elected Commiſſioner or Commiſſioners, be in the county of Brunſwick or New-Hanover; which ſaid Commiſſioner or Commiſſioners ſhall be veſted with the ſame powers and authorities as other Commiſſioners. Vacancies of the commiſſioners how filled.

V. And whereas the finiſhing and completing the Light-Houſe at Baldhead, is become a continental charge: *Be it therefore enacted*, That the Commiſſioners of pilotage for Cape-Fear river, ſhall within three months from the date hereof, ſell at public auction all the bricks and other materials left of the ſaid Light-Houſe; the proceeds of which ſales, and the balance of ſuch tonnage money as remains in their hands, after reſerving ſufficient to pay ſuch accounts as they may be liable for, they are hereby required to account for, and pay to the Treaſurer of the ſtate in twelve months, from and after the paſſing of this act. Materials of light houſe to be ſold, &c.

VI. *And be it further enacted*, That all laws coming within the purview and meaning of this act, be, and they are hereby repealed. Repealing clauſe.

1792.

CHAP. XXIV. *An Act to amend an act, paſſed at Hillsborough in the year one thouſand ſeven hundred and eighty-four, entitled,* An act for aſcertaining the fees of the Pilots at Occacock, Beaufort and Bogue inlets; and for appointing Commiſſioners of navigation for Bogue inlet.

1784, 28, 504.

WHEREAS three of the Commiſſioners appointed by the ſaid act for Bogue inlet, have departed this life, and the vacancies have not been filled up:

Commiſſioners of Bogue inlet named, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That in addition to the ſurviving Commiſſioners, William Jones, Kilby Jones and William Ferrands, be, and they are hereby appointed Commiſſioners for the navigation of Bogue inlet, and the port of Swanſborough, and they are hereby veſted with all the powers that have been heretofore given, or exerciſed by any Commiſſioners of ſaid port and inlet.

Fees of pilots, &c.

II. And whereas the fees heretofore allowed to the Pilots of ſaid inlet are found inſufficient: *Be it therefore enacted,* That it ſhall and may be lawful for the ſaid Pilots hereafter, to receive for bringing every veſſel into the ſaid inlet, drawing leſs than ſeven feet, from the out ſide of the bar to the anchorage before the town, or the cuſtomary place in Hill's channel, five ſhillings per foot; and for every veſſel drawing more than ſeven feet, ſhall be allowed ſeven ſhillings, and that the ſame fees be allowed to Pilots for pilotage outwards as inwards.

Repealing clauſe.

III. *And be it further enacted,* That all laws, or clauſes of laws, ſo far as they come within the meaning and purview of this act, be, and the ſame are hereby repealed.

CHAP. XXV. *An Act to alter and revive an Act, entitled,* An act to encourage Enoch Ward, Spyers Singleton, Chriſtopher Neal and company, to cut a canal from Clubfoot's creek to Harlow's creek, paſſed in the year one thouſand ſeven hundred and eighty-four.

1783, 48, 120.*
1, '84, 63, 139.*

WHEREAS it hath been repreſented to the General Aſſembly of the ſtate of North-Carolina, that Enoch Ward and Chriſtopher Neal, two of the perſons named in the above recited act are dead, and that Spyers Singleton the ſurvivor of them, declines carrying the ſame or any part thereof into effect: And whereas alſo, it is further repreſented to the General Aſſembly, that Whitmill Hill, Wilſon Blount and company, are willing and deſirous of undertaking to cut the ſaid canal, and by all means in their power to encourage and promote ſo great an utility to the public:

Powers granted Clubfoot's creek canal company, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid Whitmill Hill, Wilſon Blount and company, be authoriſed and empowered under the ſame rules, regulations and reſtrictions as are contained in and by the ſaid act, to carry the cutting of the ſaid canal into effect; and that they, and each and every of them, and every of their heirs and aſſigns, ſhall, and may have, hold, occupy, poſſeſs and enjoy the ſaid canal, with all the privileges, benefits and advantages thereunto belonging, as fully and amply, to all intents and purpoſes, as the ſaid Enoch Ward, Spyers Singleton, Chriſtopher Neal and company could, or might do by virtue of the ſaid act. *Provided always,* That the ſaid Whitmill Hill, Wilſon Blount and company, their heirs and aſſigns, ſhall carry this act into effect, within ſeven years from the ratification thereof.

Reviving clauſe.

II. *And be it further enacted by the authority aforeſaid,* That ſo much of the before recited act as comes within the purview and meaning of this act ſhall be and ſtand revived.

1783, 45, 119.*
1, '84, 37, 122.*
1787, 40, 210*

CHAP. XXVI. *An Act to amend the ſeveral acts in force, relative to the extending the navigation of Roanoke and Dan rivers.*

WHEREAS the Commiſſioners heretofore appointed have neglected or refuſed to act as ſuch:

Truſtees for clearing Roanoke river, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Peter Hairſton, James Martin, Charles M'Anally, James Hunter, Robert Galloway, John Leak, James Williamſon, Charles Dixon, Thomas Harriſon, John Campbell, Joſeph Dixon, Robert Burton, Sterling Yancey, Thomas Eaton and John Williams Daniel be, and they are hereby appointed and conſtituted Truſtees, for clearing ſo much of Roanoke and Dan rivers as are within this ſtate, with the ſame power and authority as thoſe heretofore appointed.

II. *And be it further enacted*, That upon application of a majority of the Truſtees in any county, to the county court thereof, it ſhall and may be lawful for the ſaid court, and they are hereby directed and required to order all the hands, or ſo many as may be required, within five miles of the ſaid river, liable to work on any road, to attend the orders of the Truſtees, or undertaker, to do and perform ſuch labour as ſhall be required of them, to anſwer the intention of this, and the acts on this ſubject now in force. County court to order hands to attend, &c.

III. *And be it further enacted*, That all perſons who ſhall be ſo called upon to work on the river aforeſaid, ſhall for each day that he may work thereon, be exempt from private militia duty in his county, day for day. Such hands exempt from militia duty.

IV. *And be it further enacted*, That all laws, or parts of laws, coming within the meaning and purview of this act, and contradictory to the ſame, be, and the ſame are hereby repealed and made void. Repealing clauſe.

CHAP. XXVII. *An Act for cutting a Canal from Roſebay to Mattamuſkeet lake, in the county of Hyde.*

WHEREAS it has been repreſented to this General Aſſembly, that cutting a canal from Roſebay to the ſaid Lake, would drain a large quantity of land, and be productive of many ſalutary effects; and the inhabitants being deſirous to have the ſanction of the legiſlature for opening ſaid canal.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Benjamin Ruſſel, William Ruſſel, James Jaſper, Caſon Gibbs and James Watſon, be, and they are hereby conſtituted and appointed Commiſſioners, for the purpoſe of receiving voluntary ſubſcriptions, with full power and authority to ſue for, and recover the ſame; and they, or a majority of them, ſhall and may contract with any perſon or perſons at their direction, to cut and open the aforeſaid Canal, the moſt direct and advantageous courſe from Roſebay to the Lake aforeſaid; *Provided* that it ſhall not be lawful for the ſaid Commiſſioners to cut, or cauſe the ſame to be cut through the lands of any perſon, without his, or their conſent previouſly obtained. Commiſſioners for cutting a canal, &c.

II. And whereas it is evident, that cutting a Canal from Juniper Bay to the Lake aforeſaid, will not anſwer the valuable purpoſe intended thereby: *Be it therefore further enacted*, That the ſaid act, authoriſing the cutting ſuch Canal, be, and the ſame is hereby repealed and made void. Repealing clauſe. 1789, 53, 232.*

CHAP. XXVIII. *An Act to repeal an act, entitled*, An act for cutting a navigable canal from the waters of Paſquotank-River in this ſtate, to the waters of Elizabeth-River in the ſtate of Virginia. 1790, 26, 705.

WHEREAS the legiſlature of the ſtate of Virginia did on the twenty-fifth day of November, one thouſand ſeven hundred and ninety, paſs an act amending the aforeſaid law, mutually entered into by compact between the two ſtates:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the tolls allowed to be demanded and received by the before recited act, are granted and ſhall be paid, on condition only, that the ſaid Diſmal Swamp Canal Company ſhall make the canal and locks of ſufficient width for veſſels that are fifteen feet broad, and of ſufficient depth to be navigated in dry ſeaſons by veſſels drawing three feet water, from Deep creek, near Tucker's mill in Virginia, to the higheſt good navigation for veſſels of the aforeſaid draft in Paſquotank River in this ſtate; and that each of the ſaid locks ſhall be ninety feet in length, and the cauſeways fifteen feet in breadth. Width, &c. of the locks, &c.

II. *And be it further enacted by the authority aforeſaid*, That every part of the before recited act which comes within the meaning and purview of this act, and every part thereof concerning the regulation of commerce, ſo far as the ſame is now veſted in the government of the United States, ſhall be, and the ſame are hereby repealed. Repealing clauſe.

III. *And be it further enacted by the authority aforeſaid*, That the ſaid act paſſed by the Legiſlature of the ſtate of Virginia, on the twenty-fifth day of November, one thouſand ſeven hundred and ninety, is hereby confirmed, and declared to be firm and valid, agreeable to the compact entered in- Act of Virginia, confirmed.

1792.

to between the two ſtates, and ſhall in no reſpect be altered or amended by this ſtate without the conſent of the ſtate of Virginia.

And to be printed. See it in the Appendix to this Collection.

IV. *And be it further enacted by the authority aforeſaid,* That the ſaid act as paſſed by the ſtate of Virginia, be printed by the public Printer of this ſtate, and incorporated with the laws of this ſeſſion as a part thereof.

Temporary. 1788, 23, 640.

CHAP. XXIX. *An Act to continue in force an act, paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-eight, entitled,* An act for the relief of perſons who have ſuffered, or may ſuffer by their grants, deeds and meſne conveyances not being proved and regiſtered within the time heretofore appointed by law; and to grant a further time for regiſtering certain grants heretofore iſſued from Lord Granville's office, and to direct tranſcripts of the records of Orange and Tyrrel counties to be made.

CHAP. XXX. *An Act to prevent any perſon from hauling or working two ſeins at the ſame place on the rivers of Chowan and Meherrin.*

WHEREAS it is repreſented to the General Aſſembly that in the narrow parts of thoſe rivers it is practicable, almoſt entirely to prevent fiſh from running up them by working two ſeins at the ſame place in ſuch manner as to ſhoot one out as ſoon as the other is hauled in:

Two ſeins not to be worked, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That it ſhall not be lawful for any perſon ſo to work two ſeins at the ſame place, and if any perſon ſhall preſume ſo to draw or work two ſeins at the ſame place, contrary to the intention and meaning of this act, he or ſhe ſhall forfeit and pay for every ſuch offence the ſum of ten pounds, to be recovered with coſts before any Juſtice of the Peace, to the uſe of any perſon who will ſue for the ſame. *Provided nevertheleſs,* That the penalties in this act ſhall not extend to perſons fiſhing below Holleday's iſland, in Chowan river.

Proviſo.

1790, 30, 237.*

Private.

CHAP. XXXI. *An Act to empower the county court of Stokes to lay an additional tax to complete the public building, and to defray the contingent charges of the ſame, and to amend an act, entitled,* An act to eſtabliſh a town at the place fixed upon for the court-houſe in the county of Stokes, *and to repeal ſo much of an act, entitled,* An act for deſtroying wolves, wild-cats, panthers, bears, crows and ſquirrels, as reſpects the county of Stokes.‡

The firſt part Temporary.

II. And whereas ſome of the Commiſſioners appointed by the act, entitled, "An act to eſtabliſh a town at the place fixed upon for the court-houſe in the county of Stokes," live at too great a diſtance from the ſame to attend with convenience as often as neceſſary: *Be it therefore enacted by the authority aforeſaid,* That Conſtantine Ladd, be, and is hereby appointed a Commiſſioner or Truſtee of ſaid town, who ſhall have and exerciſe the ſame powers and authorities as the other Commiſſioners appointed by the before recited act.

III. *And be it further enacted by the authority aforeſaid,* That ſo much of an act, entitled, "An act for deſtroying wolves, wild-cats, panthers, bears, crows and ſquirrels, as reſpect the county of Stokes, be, and the ſame is hereby repealed and made void.

CHAP. XXXII. *An Act to annex part of Waſhington to Wilkes county.*

1789, 3, 663.

WHEREAS a part of Waſhington county was by the ceſſion act retained in this ſtate, and although remaining in the ſaid ſtate the inhabitants thereof are deprived of the benefit of the laws and government of the ſame for want of being annexed to ſome other county: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, Wilkes county ſhall be extended in the following manner, *to wit,* Beginning at the moſt ſouthwardly part of Wilkes county line on

‡ I cannot find any act ſo entitled literally: but conceive the act intended to have been mentioned, to be the act, 1785, 28, 155,* extended to Stokes county, by the act, 1791, 27, 17, but finally repealed, abſolutely, this ſeſſion, c. 53.

Burke county line, and running due weſt to the dividing ridge between the waters of Watauga and Doe-Rivers, then along the extreme height of ſaid ridge to the line of the ceded territory, then along the ſaid line to the Virginia line, and along the Virginia line to the old line of Wilkes county; and that all the land north and eaſt of the aforeſaid line ſhall be, and the ſame is hereby annexed to the ſaid county of Wilkes; any law, cuſtom or uſage to the contrary notwithſtanding. 1792.

CHAP. XXXIII. *An Act to amend an act paſſed at the laſt General Aſſembly, entitled,* An act to erect the weſtern parts of Burke and Rutherford into a ſeparate and diſtinct county. 1791, 52, 31. Private.

WHEREAS the ſaid act directs that the county of Rutherford ſhall ſend ten jurors to attend at Morgan Superior Court of Law and Equity, and as that number is more than ſaid county ought to ſend in proportion to the other counties in ſaid diſtrict:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, ſeven jurors of the county of Rutherford ſhall be appointed to attend at Morgan Superior Court.

II. And whereas the Commiſſioners appointed to fix on the center, and agree where the public buildings in the county of Buncomb ſhould be erected, have failed to comply with the above recited act, and the inhabitants of ſaid county much injured thereby: For remedy whereof, *Be it enacted by the authority aforeſaid,* That Joſhua Engliſh, Archibald Nilſe, James Wilſon, Auſtin Shote, George Baker and John Dilliard, in the county aforeſaid, and William Morriſon, of Burke county, be appointed Commiſſioners in the room and ſtead of Philip Hoodinpile, William Britain, William Whetſon, James Britain and Lemuel Clayton; and they are hereby veſted with the ſame powers and authorities as the former Commiſſioners were veſted with; and they or a majority of them ſhall agree on ſome convenient ſpot as nearly central as may be for convenience to the inhabitants of ſaid county, whereon the public buildings ſhall be erected; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XXXIV. *An Act to authoriſe and empower Commiſſioners named, to run the dividing line between the counties of Johnſton and Wayne.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That William Chriſtmaſs, Hardy Bryan and Richard M'Kinnie, be, and they are hereby appointed Commiſſioners for running the line between the ſaid counties of Johnſton and Wayne; any two of whom are hereby empowered and required to run the ſame agreeable to an act, entitled, "An act for the diviſion of the pariſh of St. Patrick," paſſed in the year one thouſand ſeven hundred and fifty-ſix. Private. 1756, 20. See it in the Appendix.

II. *And be it further enacted by the authority aforeſaid,* That on the running the ſaid line, if it ſhall happen that any perſon or perſons ſhould be found to be in the county of Wayne that was heretofore enrolled or deemed to be an inhabitant of Johnſton, or any one in the county of Johnſton that was deemed an inhabitant of Wayne, that nothing herein contained ſhall debar or be conſtrued to debar the Sheriff or Collectors of ſuch county from collecting the taxes now due, or which may be due for the year one thouſand ſeven hundred and ninety-two, from ſuch perſon or perſons ſo heretofore conſidered and included as a part of their reſpective counties.

III. *And be it further enacted by the authority aforeſaid,* That the Commiſſioners herein appointed, or any two of them, ſhall be and are veſted with all the powers and authorities, and ſhall be entitled to the ſame privileges, and alſo be ſubject to the ſame penalties and forfeitures as thoſe appointed by the before recited act; and ſhall further be entitled to receive the ſum of twenty ſhillings each per day for ſuch number of days as they may be employed in running the ſame, to be paid by the county Truſtees of Wayne and Johnſton, each county paying an equal part of the ſame.

IV. *And be it further enacted by the authority aforeſaid,* That the Commiſſioners appointed by this act, ſhall after running the line aforeſaid, cauſe their proceedings to be returned to each of the courts, and entered on record in both of the counties of Johnſton and Wayne; which line ſhall thereafter be the dividing line between the ſaid counties of Johnſton and Wayne; any law to the contrary notwithſtanding.

1792. CHAP. XXXV. *An Act to amend an act, entitled,* An act for dividing the county of Dobbs, *paſſed the laſt ſeſſion of the General Aſſembly.*

1791, 47, 28. WHEREAS it hath been made appear to this General Aſſembly by the petition of the inhabitants of the county of Glaſgow, that the ſaid inhabitants are deſirous that the court-houſe for the ſaid county ſhould be permanently fixed at ſome moſt public and convenient place on Cotentney-creek in the ſaid county of Glaſgow:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That William Hooker, William Kilpatrick, Woody Belcher, Thomas Edwards and Graves Bright, be and are hereby appointed Commiſſioners; who are, or a majority of them, authoriſed and empowered to fix on ſome convenient place on Great Cotentney-creek, in ſaid county of Glaſgow, for the purpoſe of erecting a court-houſe, priſon and ſtocks thereon: and to purchaſe from the owner of the ſame ſuch number of acres of land as may be ſufficient for the purpoſes aforeſaid; and to contract with workmen to build the court-houſe, priſon and ſtocks for the ſaid county of Glaſgow; who are alſo authoriſed and empowered to collect from the inhabitants of the ſaid county of Glaſgow, the taxes levied by the before recited act, and apply the ſame for the purpoſes aforeſaid.

II. *And be it further enacted by the authority aforeſaid,* That from and after the firſt day of January next, the courts for the ſaid county of Glaſgow be held at the place fixed on by the Commiſſioners appointed by this act, on the ſecond Mondays in March, June, September and December in each year.

III. *And be it further enacted by the authority aforeſaid,* That Joſhua Croom, Moſes Weſtbrook and Jeſſy Cobb, be, and are hereby appointed Commiſſioners for erecting and completing the priſon and ſtocks for the county of Lenoir; and they or any two of them, be and are hereby authoriſed and empowered to collect the taxes levied by the afore recited act, from the inhabitants of the county of Lenoir, and after completing the priſon and ſtocks in the ſaid county of Lenoir, to pay the balance which may remain in their hands into the hands of the Commiſſioners appointed by this act, in and for the county of Glaſgow, to be by them applied in diſcharging the coſts and charges of their public buildings.

IV. *And be it further enacted by the authority aforeſaid,* That ſo much of the above recited act that comes within the purview and meaning of this act, is hereby repealed and made void.

CHAP. XXXVI. *An act to alter and confirm the names of certain perſons therein mentioned.*

Private. WHEREAS Joſeph Carter, of Halifax county, hath petitioned the General Aſſembly to confirm the name of John Carter, Richard Carter and Sarah Claiborne Carter, begotten by him the ſaid Joſeph before his intermarriage with Mary-Ann Carter, mother of the before named John, Richard and Sarah:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That forever hereafter, the ſaid John, Richard and Sarah, the illegitimate children of the ſaid Joſeph and Mary-Ann Carter, ſhall be known, diſtinguiſhed and called by the names of John Carter, Richard Carter and Sarah Claiborne Carter, and by thoſe names, ſhall reſpectively take and claim any eſtate, either real or perſonal, which may be deviſed to them or either of them, in the ſame manner as if they had been born in wedlock; and they ſhall alſo, by the ſaid names, reſpectively ſue and be ſued, anſwer and be anſwered, plead and be pleaded, in the ſame manner as if they had been the legitimate iſſue of the ſaid Joſeph and Mary-Ann.

II. And whereas it is the earneſt requeſt of Tereſſa Dairs alias Butler, of New-Hanover county, that ſhe ſhould hereafter be called and known by the name of Tereſſa Dunbar: *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the name of Tereſſa Dairs alias Butler, ſhall be altered to the name of Tereſſa Dunbar, and that ſhe ſhall henceforth be called and known by the name of Tereſſa Dunbar; and that by the ſaid name, ſhe ſhall and may have, poſſeſs and enjoy, all the rights and privileges of citizenſhip, in as full and ample a manner as if ſhe had been called and known by no other name from the time of her nativity; any law, cuſtom or uſage to the contrary notwithſtanding.

III. And whereas it is the requeſt of Henry Giles, of Rowan county, that an illegitimate child of his ſhould be known and called by the name of John Giles: *Be it therefore enacted by the authority aforeſaid,* That the aforeſaid John, be known, diſtinguiſhed and called by the name of John Giles; and by that name, ſhall take and claim any eſtate, either real or perſonal, which may be deviſed to him, in the ſame manner as if he had been born in wedlock; and by the ſame name he ſhall alſo ſue and be ſued, plead and be impleaded, anſwer and be anſwered in the ſame manner as if he had been the legitimate iſſue of ſaid Henry Giles.

IV. And whereas it hath alſo been repreſented to this General Aſſembly, that Brown Denny would be much advantaged by having his name altered: *Be it therefore enacted by the authority aforeſaid,* That hereafter, the ſaid Brown Denny, ſhall be called and known by the name of William Brown Mebane, who ſhall and may henceforth inherit, have, poſſeſs and enjoy any eſtate or property that may be deviſed to him by any perſon or perſons whatever, according and agreeable to his name as now altered by this act; and by the ſaid name of William Brown Mebane, it ſhall and may be lawful for him to ſell and purchaſe any property whatever, and to ſue and be ſued, to plead and be impleaded in the ſame manner as if he had been never known by any other name.

CHAP. XXXVII. *An Act to alter the names of certain perſons therein mentioned.*

Private.

WHEREAS it is the earneſt requeſt of Edward Tinker, of the town of Newbern, That his illegitimate children, Betſy Rair, Suckey Rair, Sally Rair, Harris Rair and William Rair, ſhould hereafter be called and known by the names of Betſy Tinker, Sucky Tinker, Sally Tinker, Harris Tinker and William Tinker: And whereas it is the requeſt of John Armſtrong, that his illegitimate children, John Coaker and Mary Coaker, ſhould hereafter be called and known by the names of John Armſtrong and Mary Armſtrong:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the names of Betſy Rair, Suckey Rair, Sally Rair, Harris Rair and William Rair, ſhall be altered to the names of Betſy Tinker, Suckey Tinker, Sally Tinker, Harris Tinker and William Tinker; and the names of John Coaker and Mary Coaker to be altered to the names of John Armſtrong and Mary Armſtrong; and that they ſhall henceforth, be called and known by the ſaid names, and ſhall and may ſue and be ſued, plead and be impleaded in any court of law or equity, and obtain and poſſeſs lands and other ſpecies of property, by will, deviſe, donation, grant, purchaſe or otherwiſe; and they may by their names aforeſaid, ſell and diſpoſe of land or other property, and finally, in all things, the ſaid Betſy Tinker, Sally Tinker, Suckey Tinker, Harris Tinker, William Tinker, John Armſtrong and Mary Armſtrong, ſhall be capable in law or equity of negociating and tranſacting all manner of buſineſs, in as full and ample manner as if they had been called and known by no other name from the time of their nativity: any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XXXVIII. *An Act to emancipate the perſons therein named.*

Private.

WHEREAS it hath been made appear to this General Aſſembly that Andrew, Peter and Juno, the illegitimate children of John Moore, of Craven county; Charlotte Green, the property of John Waite, of the town of Newbern, merchant; John Marſhall, the property of Peter Thomeguex, of the ſame place, merchant; Roſe, the property of the late Mary Clear, of the ſaid place; Jack the property of the late Caleb White, of the county of Currituck; Peggy Handy, daughter of Nancy Handy, the property of Miſs Betſy Vail, of the town of Newbern; Betſey and Jim, the property of Thomas Neale, of Brunſwick county, ſhould be liberated and ſet free:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid Andrew, Peter and Juno, under the names of Andrew Moore, Peter Moore and Juno Moore; Charlotte Green, under the name of Elizabeth Johnſton; John Marſhall, under the name of John Marſhall; Roſe, under the name of Roſe Mary Clear; Jack, under the name of John Jaſper White; Peggy Handy, under the name of Peggy Handy; Betſey and Jim, under the names of Elizabeth Philips and James Philips, ſhall be, and they and each

1792. and every of them, are hereby declared to be free by and under the names aforeſaid; and they and each and every of them, ſhall, from henceforward, enjoy the protection of the laws and the benefits of the conſtitution of this ſtate, in the ſame manner as others of their colour who were born free.

II. *Provided nevertheleſs*, That nothing herein contained ſhall affect or be conſtrued to bar the right or title which any citizen may have to the perſons herein emancipated, other than thoſe named as the owners in this act or their repreſentatives.

CHAP. XXXIX. *An act for altering the names of John Green Burney to that of John Green, the name of Feribee Brinſon to that of Feribee Weſt, and that of Wyatt Bryan and Penny Bryan to that of Wyatt Pariſh and Penny Pariſh.*

Private. WHEREAS it is the earneſt requeſt of John Green of Craven county, that his natural born ſon, John Green Burney, ſhould hereafter be called and known by the name of John Green; and the requeſt of Daniel Weſt that his natural born daughter, Feribee Brinſon, ſhould hereafter be called and known by the name of Feribee Weſt:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the name of John Green Burney ſhall be altered to that of John Green, and the name of Feribee Brinſon to that of Feribee Weſt; and that they ſhall henceforth be called and known by the ſaid names; and that by ſaid names reſpectively, they ſhall and may ſue and be ſued, plead and be impleaded in any court of law and equity; and obtain and poſſeſs land, and all other ſpecies of property by will, deviſe, donation, grant, purchaſe or otherwiſe; and they may by their reſpective names aforeſaid, ſell and diſpoſe of land or other property already or hereafter to be acquired;-and finally in all things, the ſaid perſons reſpectively ſhall be able and capable in law or equity of negotiating and tranſacting all manner of buſineſs by their reſpective names herein before mentioned, in as full and ample a manner as if they had been called and known by no other names from the time of their nativity; any law cuſtom or uſage to the contrary notwithſtanding.

II. And whereas it appears to this General Aſſembly that George Pariſh, of Johnſton county, is deſirous of having two of his children's names altered to that of Wyatt Pariſh and Penny Pariſh from that of Wyatt and Penny Bryan, for the following reaſon, that the ſaid George Pariſh did have by his preſent wife, before marriage, the aforeſaid two children whom he wiſhes to become his legal repreſentatives: *Be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, the names of Wyatt and Penny Bryan ſhall be altered to the names of Wyatt and Penny Pariſh; and that by the ſaid names reſpectively they be known and called, and that they be entitled to all the privileges and immunities as thoſe whoſe names are altered by this act, any thing to the contrary notwithſtanding.

CHAP. XL. *An Act to releaſe the eſtate of Samuel Fuller, deceaſed, late of Granville county, from forfeiture.*

Private. WHEREAS Samuel Fuller, late of Granville county, was at the laſt Superior court of law, held for the diſtrict of Hillſborough, convicted of murder, and executed under the ſentence of the ſaid court for that crime; and the ſaid Samuel in his life time being poſſeſſed of a conſiderable eſtate, both real and perſonal, which by law is forfeited to the ſtate, and it being but juſt that his eſtate ſo forfeited, ſhould be releaſed:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all the eſtate of the ſaid Samuel Fuller deceaſed, late of Granville county, of which he was ſeized, and poſſeſſed at the time of committing the murder aforeſaid, ſhall be, and the ſame is hereby releaſed from forfeiture, as fully and completely as if no conviction or forfeiture ever had been made; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XLI. *An act to eſtabliſh ſeparate General Muſters and Elections in the counties of Craven and Beaufort.* 1792.

Private.

WHEREAS it has been repreſented to this General Aſſembly by petitions from a number of the inhabitants of the lower end of Craven and Beaufort counties, that the great diſtance they live from the court-houſes of ſaid counties, renders it very inconvenient for ſaid inhabitants to attend general muſters and elections at their reſpective court-houſe:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, that all the inhabitants on the ſouth ſide of Neuſe river below Clubfoot's creek, and on the north ſide of Neuſe river, as high up as to include Captain Joſeph Weſt's diſtrict, in Craven county, ſhall hold ſeparate general muſters at the houſe of Jeſſy Bryan on Smith's creek, under the command of ſome field officer appointed by the Colonel of ſaid county, under the ſame rules and regulations as by law required.

II. *And be it further enacted by the authority aforeſaid,* That from and after the paſſing of this act, it ſhall and may be lawful for the Sheriff of the ſaid county of Craven, or any of his proper deputies, and he or any of them is hereby authoriſed and required to open an election on the Monday preceding the day of holding the elections in ſaid county at the houſe of Jeſſy Bryan aforeſaid; and the ballots there taken ſhall be ſealed up by the Inſpectors in the preſence of the Sheriff or his deputy who held the election, and by them to be tranſmitted to the court-houſe under the care of the ſaid Sheriff or his deputy; which ſhall be counted out, and are hereby declared to be part of the election for ſaid county; any thing to the contrary notwithſtanding.

III. *And be it further enacted by the authority aforeſaid,* that all that part of the inhabitants of Beaufort county, that lies on the ſouth ſide of Pamlico river, and eaſt ſide of Durham's creek, ſhall after the paſſing of this act, hold ſeparate general muſters at Stanton Harrold's on the South Dividing creek, under the command of ſome field officer of ſaid county as aforeſaid, under the ſame rules and regulations as other militia of this ſtate.

IV. *And be it further enacted by the authority aforeſaid,* That the Sheriff of Beaufort county be, and he is hereby authoriſed and required, to open all future elections for Repreſentatives on the Monday preceding the day of elections for ſaid county of Beaufort, at Stanton Harrold's, on South Dividing creek; and the ballots there taken ſhall be ſealed up by the Inſpectors, in the preſence of the Sheriff or his deputy who held the election, and by them to be tranſmitted to the court-houſe of ſaid county, under the care of ſaid Sheriff or his deputy; which ſhall be counted out at the cloſe of the election, and are hereby declared to be part of the election for ſaid county, any thing to the contrary notwithſtanding.

CHAP. XLII. *An Act to incorporate a Fire-Company in the town of Waſhington.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, that John Warden, William M'Daniel, Samuel Hodges, William Harris, John Gray Blount, Peter Caſſo, Cox Coart, William Keais, Stephen Miner, and ſuch others as have joined, or hereafter may be willing to join the company, are hereby declared to be a body corporate, by the name of the Waſhington Fire-Company.

II. *And be it further enacted by the authority aforeſaid,* That the ſaid company ſhall be capable to ſue and be ſued, plead and be impleaded, before any juriſdiction in this ſtate having cognizance thereof; and that they may elect and appoint all neceſſary officers, and from time to time form ſuch rules, regulations and bye-laws as they think proper, for the regulation of ſaid company: *Provided* ſuch rules, regulations and bye-laws, ſhall not be repugnant to, or inconſiſtent with the laws and conſtitution of this ſtate.

III. *And be it alſo enacted by the authority aforeſaid,* That in caſe of a fire breaking out and ſpreading, ſo as imminently to endanger and threaten the deſtruction of the adjacent houſes, a majority of the officers of the ſaid company, together with one or more of the Commiſſioners of the ſaid town, ſhall, and they are hereby declared to be veſted with full and complete power and authority to direct, and cauſe ſuch houſes and buildings, or any adjacent one, to be blown up with powder, or otherwiſe deſtroyed, to prevent the fire from ſpreading; and ſhall not be held, or deemed reſponſible for any

1792. loſs or damage that may be ſuſtained by the owner or owners of any ſuch houſe, or building; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XLIII. *An Act for the better regulation of the town of Rockford, in the county of Surry, and for adding part of Wilkes to Surry county.*

Private. WHEREAS the ſituation of the court-houſe in ſaid county, is very near thoſe of dwelling and other houſes, that render the ſaid court-houſe very dangerous of fire:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That no perſon hereafter, under the violation of this act, ſhall build or erect, or cauſe to be erected, any other chimney, in the improvement of their lots, than a good brick or ſtone chimney, that will not render the ſaid court-houſe, or other houſes, in danger of the fire thereof.

II. *And be it further enacted,* That if any perſon or perſons, who ſhall build or erect any other chimney than aforeſaid, in violation of this act, ſhall forfeit and pay the ſum of twenty pounds, to be recovered before any juriſdiction having cognizance thereof; any thing to the contrary notwithſtanding.

III. And whereas the inhabitants of Wilkes county, living on the head of Mitchell's and Fiſher's rivers, are much more convenient to the court-houſe in the county of Surry, than to Wilkes court-houſe, and have requeſted their repreſentatives in General Aſſembly to have them annexed to the county of Surry: *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, all that part of Wilkes county that lies eaſt of the following line, ſhall be, and the ſame is hereby annexed to the county of Surry; beginning on the line that divides Wilkes and Surry counties, where the ridge that divides the waters of Mitchell's river from thoſe of Elkin, thence along the ſaid ridge to the extreme height of the Appalachian mountain, thence along the extreme height of the ſaid mountain, to the Virginia line.

IV. *Provided* that nothing herein contained, ſhall be conſtrued to extend to prevent the Sheriffs and Collectors of Wilkes county from collecting all arrearges of taxes that may be now due.

CHAP. XLIV. *An Act to encourage the deſtroying of Wolves, Wild-Cats, Panthers and Bears in the county of Carteret.*

Private. WHEREAS the great increaſe of Wolves, Wild-Cats, Panthers and Bears in the county of Carteret, is found to be injurious and prejudicial to the inhabitants thereof:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the Juſtices of the county court of Carteret ſhall, and they are hereby authoriſed and empowered at the firſt term of the ſaid court, which ſhall be in the year one thouſand ſeven hundred and ninety three; and at the ſecond term of ſaid court in each, and every ſucceeding year, to lay a tax on the inhabitants, and taxable property of ſaid county, not exceeding ſix pence on each poll, and two pence on every hundred acres of land; to be collected by the public collectors, and be accounted for, and paid to the Commiſſioners hereafter named, for the purpoſe of granting bounties to perſons who ſhall kill any Wolves, Wild-Cats, Panthers and Bears; that is to ſay, for killing a Wolf, twenty ſhillings; for killing a Wild-Cat, four ſhillings; for killing a Panther, twenty ſhillings; for killing a Bear, ſixteen ſhillings.

II. *And be it further enacted by the authority aforeſaid,* That Benjamin Davis, Aaron Preſcott and Newell Bell, be, and they are hereby appointed Commiſſioners to account with, and receive from the Collector aforeſaid, the amount of the ſaid taxes; and the clerk of the ſaid court is hereby required to make out a liſt of the taxable polls, and quantity of lands within the ſaid county, and furniſh the ſaid Commiſſioners therewith, under the penalty of ten pounds, to be recovered by action of debt, to the uſe of any perſon who will ſue for the ſame; and the ſaid court ſhall take bond and ſecurity from the ſaid Commiſſioners, for the faithful diſtribution of the monies by them received, or to be received under the authority of this act, in the payment of the bounties herein preſcribed; and for paying the ſurplus, ſhould there be any, to the ſaid court, at the end of each, and every year after the

levying of said tax.

III. *And be it further enacted*, That the surplus, if any, shall be applied by the said court towards defraying the county contingencies. 1792.

IV. *And be it further enacted*, That the said Commissioners, or any of them, shall pay to the inhabitants of said county the bounties prescribed by this act, upon their producing to the said Commissioners, or any of them, the head or scalp of any of the said animals; and the said Commissioners, and every of them, are required upon making payment as aforesaid, to receive and destroy such head, or scalp; and any of the said Commissioners, who shall refuse to make payment of the bounties aforesaid, in manner as herein directed, if he has any of the said monies in his hands, shall be subject to the penalty of five pounds for each, and every offence, to be recovered by action of debt, to the use of any person who shall sue for the same.

V. *And be it further enacted*, That all laws, or parts of laws, which come within the meaning and purview of this act, and contradictory to the same, be, and the same are hereby declared to be made void.

CHAP. XLV. *An Act to amend an Act, passed at Fayetteville in the year one thousand seven hundred and ninety, entitled*, An Act allowing the inhabitants of the Forks of Yadkin a separate General Muster. 1790, 52, 243.*

WHEREAS the above recited act, only gave a privilege to the inhabitants of the forks of the Yadkin to muster as a branch or part of the first battalion of militia in the county of Rowan, under the command of the officers of the said first battalion, and the said officers finding it inconvenient to hold said muster; and the number of militia in the said forks of the Yadkin being fully sufficient in point of number to compose a separate battalion, distinct from the said first battalion: Private.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the above recited act as gives the command of the fork militia to the officers of the first battalion of Rowan county, be, and the same is hereby repealed and made void.

II. *And be it further enacted*, That all the militia who muster on the east side of the Yadkin river, in the battalion commanded by Col. John Lopp, shall be considered as the second battalion of Rowan, and the officers of the said battalion shall be commissioned accordingly; any law to the contrary notwithstanding.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this act, that all the militia lying between the north and south Yadkins in the said county of Rowan, is, and shall be a separate and distinct battalion, known and called by the third battalion of Rowan militia; and shall perform all the duties, and be subject to all the pains and penalties as other battalions are subject to by the militia law now in force in this state, and shall be officered in the same manner as other separate battalions of militia are, any law to the contrary notwithstanding.

CHAP. XLVI. *An Act to establish and regulate a Toll-Road, through the Great Dismal Swamp, between the heads of Pasquotank and Perquimans rivers; and to grant to Benjamin Jones and Joseph Richardson an estate therein, for the term of ninety-nine years.*

WHEREAS Benjamin Jones and Joseph Richardson have expended large sums of money in cutting and making a road through the Great Dismal Swamp, between the heads of Pasquotank and Perquimans rivers; and in order to encourage and support a work so beneficial to the community at large: Private.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That for, and in consideration of the trouble and expence which the said Benjamin Jones and Joseph Richardson have been, and may be at, in making the said road, cutting a canal, making causeways, and performing other works necessary for completing the same, and maintaining and keeping the said road in repair; the said road, causeways and other works, with all their profits, shall be, and the same are hereby vested in the said Benjamin Jones and Joseph Richardson, their heirs and assigns, for the term of ninety-nine years as tenants in common, in pro-

1792. portion to their reſpective ſhares therein; and the ſame ſhall be deemed real eſtate, and be for the above ſpace of time exempt from the payment of any tax, impoſition or aſſeſſment whatever; and it ſhall and may be lawful for the ſaid Benjamin Jones and Joſeph Richardſon, their heirs, executors adminiſtrators or aſſigns, to ſet up a gate on any part of the ſaid road, and at all times after the ſame, ſhall be completed, fitting for the ſafe paſſage of horſes and carriages, demand and receive at the ſaid gate the following tolls, or rates, viz. for every man and horſe, the ſum of two ſhillings and ſix pence, for every head of black cattle, the ſum of one ſhilling, for every ſheep or hog, the ſum of three pence, for every wheel of carriage of pleaſure, the ſum of one ſhilling; and for every wheel of every other carriage, the ſum of ſix pence.

II. *And be it further enacted by the authority aforeſaid*, That in caſe of refuſal to pay the ſaid tolls at the time of offering to paſs the ſaid toll gate, to be erected as above mentioned, and previous to paſſing the ſame, the collector or toll keeper, or the proprietors of the ſaid tolls, may lawfully refuſe paſſage to any perſon or perſons, ſo refuſing payment; and if any perſon or perſons ſhall paſs without paying the ſame, the collector, toll keeper or proprietors of the ſaid road, may recover the full amount of the tolls above mentioned, with coſts, before any Juſtice of the Peace in the county where the offender may be taken.

III. *And be it further enacted*, That in conſideration of the tolls hereby granted the ſaid Benjamin Jones and Joſeph Richardſon, their heirs and aſſigns, ſhall, for ever after the ſaid toll gate may be ſet up, keep the ſaid road in good and paſſable order for carriages and horſes; and in caſe of neglect, any perſon or perſons ſhall be entitled to recover any damages which they may ſuſtain, by the ſaid road being out of repair, before any juriſdiction having cognizance thereof.

IV. *And be it further enacted*, That the ſaid toll road, canal, cauſeways and works to be erected thereon, when completed, ſhall for ever thereafter be eſteemed, and taken as a public highway, on payment of the tolls impoſed by this act.

Temporary. CHAP. XLVII. *An Act to enable the Commiſſioners of public buildings for the diſtrict of Fayetteville to collect a tax to finiſh the court-houſe in Fayetteville.*

CHAP. XLVIII. *An Act to apportion the number of Jurors to be ſent to the Superior Court from the different counties in Salisbury diſtrict.*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſeveral counties in the diſtrict of Saliſbury ſhall ſend from each to the Superior Court of ſaid diſtrict, the following number of Jurors and no more, *to wit*, the county of Rowan twelve, Stokes five, Surry four, Rockingham four, Guilford four, Montgomery three, Iredell three, and Mecklenberg ſeven; and that ſo much of the former acts of the General Aſſembly of this ſtate as appoint the number of jurors to be ſent from any county to the Superior Court of ſaid diſtrict, be and the ſame is hereby repealed and made void.

CHAP. XLIX. *An Act to grant two ſeparate Elections and General Muſters in Currituck county.*

Private. WHEREAS it is repreſented to this Aſſembly by petition, that their peculiar ſituatiou renders it very difficult, dangerous and expenſive, and often impoſſible for them to attend at the court-houſe in ſaid county to give their ſuffrages for members to repreſent them in the General Aſſembly, having to go by water the diſtance of eight or nine miles acroſs a difficult dangerous ſound: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, it ſhall and may be lawful for the Sheriff of ſaid county, or any of his proper Deputies, and he or any of them, are hereby authoriſed and required to open an election on the ſecond Tueſday preceding the ſecond Thurſday of Auguſt annually, at the plantation and houſe of Thomas Williams, on Knot's Iſland, for the eaſe and convenience of the voters reſiding on the neighbouring iſlands and other adjacent places of the ſaid county,

and under the ſame rules as are preſcribed for holding the general elections; and the ballots ſo taken, ſhall be ſealed up by the Inſpectors of the poll, in the preſence of the Sheriff, and by them tranſmitted to the court-houſe, under the care of the Sheriff or his Deputy who held the election; and the ſaid ballots ſhall and they are hereby declared to be a part of the election of ſaid county. *Provided*, That nothing herein contained ſhall deprive any perſon or perſons entitled to vote for Members of the General Aſſembly in ſaid county, and who ſhall not have given his vote at any other election in the above mentioned, from giving his ſuffrage at the court-houſe on the day of the general election for ſaid county. 1792.

II. And whereas there are two companies of militia that inhabit Cape Hatteras and Kennykeet banks, who are from forty to ſeventy miles diſtant from the place where any election is held, and the way being obſtructed by broad and dangerous waters, in conſequence thereof theſe citizens are almoſt entirely deprived of any ſuffrage of Members of the General Aſſembly, Repreſentatives in Congreſs, &c. *Be it therefore enacted by the authority aforeſaid*, That the Sheriff of Currituck county, or his lawful Deputy, ſhall open and hold an election on Cape-Hatteras, at the houſe or plantation of Hezekiah Farrow, on the laſt Saturday in July annually; which election ſhall be opened by twelve o'clock of the aforeſaid day, and kept open until ſun-ſet, when the poll ſhall be cloſed; and the boxes which contain the votes, ſhall be ſealed up in the preſence of the Inſpectors, and ſhall be ſafely tranſmitted to the Sheriff of the aforeſaid county, on or before the laſt day of the election at the court-houſe; when the boxes ſhall be opened in the preſence of the Inſpectors of the election at the court-houſe, and the votes counted; which votes are hereby declared to be a part of the election of Currituck county. *Provided*, That the returning officer for the ſouthward election may deliver the boxes which contain the votes given in at ſaid election, to the returning officer of the election on Roanoke-Iſland, who ſhall return them to the Sheriff at the court-houſe as aforeſaid.

III. And whereas croſſing the ſound from Knot's, Mackee's and other adjacent iſlands, Morſe's Point and Banks, from Currituck-Inlet to the Virginia line, to attend general muſters at the court-houſe, is dangerous and inconvenient: *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the county of Currituck ſhall be divided into three diſtricts; the Knot's Iſland diſtrict ſhall conſiſt of the companies belonging to that part of Currituck county, from Currituck-Inlet north to the Virginia line, ſo as to include all the companies belonging to Knot's-Iſland in the county of Currituck, eaſt of the ſound; and that the place for holding the general muſter for Knot's Iſland diſtrict, ſhall be held on Knot's Iſland, at the plantation and houſe of Thomas Williams, agreeable to the directions of the act for eſtabliſhing a militia in this ſtate.

IV. *And be it further enacted by the authority aforeſaid*, That the Colonel or commanding officer of ſaid county, is hereby directed and required to appoint or direct the Lieutenant-Colonel, Major or other officer next in command (as the caſe may be) to give attendance at the muſter on Knot's Iſland in ſaid county for the purpoſes of diſciplining the men.

V. *And be it further enacted by the authority aforeſaid*, That the place for holding court-martials for ſaid county, ſhall be at the court-houſe as uſual, and delinquents ſhall appear from each diſtrict in ſaid county in order for trial.

CHAP. L. *An Act to empower the county courts of Gates and Perſon to lay a tax in ſaid counties for the purpoſe of erecting the public buildings therein.* Temporary.

CHAP. LI. *An Act to amend an act, entitled*, An act to amend an act, entitled, An act for regulating the town of Saliſbury in Rowan county, and for regulating the town of Windſor in Bertie county; *and to amend the Tarborough and Warrenton town laws.* 1786, 41, 176.* 3, 1779, 20, 91.* 1785, 20, 153.* 1786, 51, 182.* 1791, 45, 27. 1793, 37. Private.

WHEREAS ſo much of the ſaid act as directs the manner of appointing Commiſſioners, has not been found practicable ſo far as it relates to the town of Windſor:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That ſo much of the ſaid act as directs the manner of appointing Commiſſioners for the town of Windſor, be and the ſame is hereby repealed.

II. *And be it further enacted*, That Anthony Darlet, Stephen Outerbridge, John Harlowe,

1792. George Outlaw and Richard Dawſon, be, and they, or a majority of them, are hereby declared to be the Commiſſioners of the ſaid town of Windſor; and they are hereby veſted with the ſame powers, and required to perform the ſame duties as were veſted in, or required of Commiſſioners appointed in manner as directed by ſaid act.

III. *And be it further enacted*, That upon the death or refuſal to act of any Commiſſioner or Commiſſioners hereby appointed, or who may hereafter be appointed, the county court of the ſaid county of Bertie is declared to have full power to appoint ſome other in the place of ſuch Commiſſioner or Commiſſioners ſo dying or refuſing to act. *Provided*, That the ſaid county court ſhall not appoint any perſon to act as Commiſſioner of the ſaid town who reſides without the ſaid town and the liberties thereof.

IV. *And be it further enacted*, That a proper perſon ſhall be elected, at the time and in the manner already directed for election of Commiſſioners for the town of Tarborough, who ſhall be called the Magiſtrate of Police for ſaid town; whoſe duty it ſhall be to enforce obedience to the laws of the ſaid town and puniſh offenders; and ſhall be, and is hereby authoriſed to iſſue his warrant directed to the town Conſtable to ſummon all offenders againſt the laws, rules and ordinances made for the regulation of the ſaid town, to appear before him; and on their conviction, which ſhall be in manner of trials before Juſtices of the Peace, the ſaid Magiſtrate is hereby required and authoriſed to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the ſaid town; which warrant or execution the town Conſtable is hereby required to execute: And on ſuch trials or enquiries the ſaid Magiſtrate of Police is hereby authoriſed and declared to poſſeſs all the neceſſary powers to adminiſter oaths, ſummon and examine witneſſes, and ſhall take the following oath before he enters on the duties of his office: "I, *A. B.* do ſolemnly ſwear, that as a Magiſtrate of Police for the town of Tarborough, I will do equal right in all caſes, to the beſt of my judgment, and according to the laws, rules and ordinances made for the good government of ſaid town; all fines and amerciaments that may happen to be made I will cauſe to be returned to the proper officer; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and juſtly, according to the beſt of my ſkill and ability, do equal and impartial juſtice to the public and to individuals."

V. *And be it further enacted*, That the Commiſſioners of the ſaid town of Tarborough are hereby empowered to ſell and make title to the lots in ſaid town reſerved for a church and church-yard, known in the plan of ſaid town by the numbers of thirty-eight, thirty-nine, forty-nine and fifty, and purchaſe others more conveniently ſituated for that purpoſe.

III. *And be it further enacted by the authority aforeſaid*, That Daniel Anderſon, Henry Montfort, Robert Gilleſpie, John Hawkins and Marmaduke Johnſton, be and are hereby appointed Commiſſioners for the regulation of the town of Warrenton; any three of whom ſhall have, hold and exerciſe the ſame powers and authorities as the Commiſſioners have in the town of Hillſborough for the regulation of ſaid town.

3, 1779, 35, 96.* CHAP. LII. *An Act to amend an act, entitled*, An act for erecting a town on the land of Thomas Hunter in Martin county.

Private. WHEREAS the laws now in force for the eſtabliſhment, and promotion of the ſaid town, are found to be inadequate to the expectation of the inhabitants thereof.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That in addition to the former Commiſſioners, Joſeph Bryan, William M'Kinzie, Ebenezer Slade, Henry Hunter, Ebenezer Smithwick, William Davis and Jeſſe Jones, be, and are hereby appointed Commiſſioners for the town of Williamſton; and ſhall have full power and authority to act and do all things that may tend to the regulation and good government thereof, and ſhall keep the ſtreets in good order and repair, and ſhall have power and authority to appoint an overſeer or overſeers of the ſtreets, and to ſummon the inhabitants of the ſaid town to work upon the ſtreets, and in caſe of the failure or refuſal of any inhabitants ſo ſummoned to work upon the ſtreets, or to procure a ſufficient ſubſtitute to perform ſuch work, ſuch inhabitants ſo failing, ſhall forfeit and pay five ſhillings for each and every day's failure or refuſal; to be recovered in a ſummary manner, by complaint made to one or more of the aforeſaid Commiſſioners; ſuch fine or forfeiture to

be paid into the hands of the Chairman of the ſaid Commiſſioners, to be applied to the uſe of the town in ſuch manner as the Commiſſioners ſhall direct: *Provided always*, That no perſon within the limits of the ſaid town, or the privileges thereof, ſhall be compelled to work more than ten days in any one year; and in caſe of the death, neglect, removal or refuſal to act of any of the ſaid Commiſſioners, it may be lawful for the freeholders of the ſaid town to aſſemble, and elect another, or others; and he, or they ſo elected, ſhall have the ſame power and authority, as thoſe nominated and appointed by this act.

II. And whereas it has been found inconvenient to collect, and enforce the attendance of the Commiſſioners, when the exigences of the town require it: *Be it therefore enacted by the authority aforeſaid*, That if any Commiſſioner ſhall after notice or ſummons ſubſcribed by three of the Commiſſioners, and counterſigned by their clerk, ſuch notice or ſummons to contain the time, and place of meeting, and ſhall be ſerved at leaſt two days previous to ſuch meeting, if then failing to give his attendance, he ſhall forfeit and pay twenty ſhillings; unleſs prevented by ſickneſs, or ſuch other cauſe as ſhall be ſatisfactory to the ſaid board of Commiſſioners, which ſhall conſiſt of a majority of the whole number, or any five of them; ſuch fines and forfeitures to be applied as other fines heretofore directed.

III. *And be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners ſhall meet on the ſecond Monday in July, October, January and April, and oftener, if circumſtances ſhall render it neceſſary; and at their firſt meeting elect a Chairman, who ſhall be the Treaſurer to the ſaid Commiſſioners, and preſide and vote at their meetings; and they ſhall alſo elect a clerk and regiſter, who ſhall keep all plats, plans, deeds, grants, records and all other public papers relative to the ſaid town, and of all proceedings heretofore had, and which may be had before the Commiſſioners of the ſaid town; the ſaid Chairman and clerk to be choſen out of the Commiſſioners aforeſaid.

IV. *And be it further enacted by the authority aforeſaid*, That the Commiſſioners at their firſt meeting ſhall paſs an order or ordinance, directing in what manner the ſtreets of the ſaid town, for the convenience of the inhabitants and others ſhall be cleared, or otherwiſe improved; which order or ordinance the inhabitants of the ſaid town ſhall be bound to obey, and carry into execution, within twelve months after paſſing the ſame, under the penalty of twenty ſhillings for every month's failure or neglect, by any one of the ſaid inhabitants, after the expiration of the ſaid twelve months; to be recovered in manner before directed as to other fines, and to be applied one half to the uſe of the informer, the other half to the uſe of the town, as the ſaid Commiſſioners ſhall direct.

V. *And be it further enacted*, That none of the inhabitants of the ſaid town ſhall on any pretence whatever, ſuffer any of their ſwine or goats to run at large, within the limits of the ſaid town, under the penalty of twenty ſhillings for every hog or goat ſo found running at large, within the bounds of ſaid town; which ſaid fine or forfeiture ſhall be recovered in a ſummary way, by information made before any Juſtice of the Peace having cognizance thereof; one half to the informer, the other half to be applied to the uſe of the town, in ſuch manner as the Commiſſioners thereof ſhall direct.

VI. *And be it further enacted by the authority aforeſaid*, That the Commiſſioners, or a majority of them, be, and they are hereby authoriſed and empowered to levy a tax on the inhabitants of the ſaid town, for the purpoſe of purchaſing a lot or lots whereon to erect a church for the benefit of the inhabitants thereof; which tax ſhall not exceed two ſhillings and ſix pence on each poll, and two ſhillings and ſix pence on each hundred pounds value of town lots, with their improvements; which tax ſhall be collected annually, for the term of five years, and accounted for in ſuch manner as the Commiſſioners of the ſaid town may direct; and the monies ariſing from ſaid tax ſhall be laid out at the direction of the Commiſſioners, in purchaſing a lot or lots, and to erect thereon ſuch needful buildings, as they, or a majority of them may deem neceſſary for public worſhip; which ſaid lot or lots, with their improvements, the ſaid Commiſſioners ſhall ſtand indefeaſibly poſſeſſed of to them, and their ſucceſſors in office, for the uſe and benefit of the inhabitants of the ſaid town as aforeſaid; and all deeds of ſale, and other papers relative to the ſaid lot or lots, with their improvements, ſhall be recorded in the regiſter's office kept for the ſaid town.

1792.

1791, 27, 17. Private.

CHAP. LIII. *An Act to repeal an act, entitled,* An act to revive an act, entitled, An act for deſtroying wolves, wild-cats, panthers, bears, crows and ſquirrels, in the ſeveral counties therein mentioned, *paſſed at Newbern in the year one thouſand ſeven hundred and eighty-five.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the above recited act, and every clauſe thereof, be and the ſame is hereby repealed and made void.

1785, 33, 565. Private.

CHAP. LIV. *An Act to repeal an act, entitled,* An act for allowing a further time for ſaving lots within the ſeveral towns of this ſtate, *ſo far as relates to the towns of Nixonton and Hillsborough.*

WHEREAS the great length of time allowed by the ſaid act for ſaving lots, renders the proprietors of the ſaid towns of Nixonton and Hillſborough careleſs of improving them, and thereby entirely prevents the growth and enlargement of the ſaid towns:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of ſame,* That ſo much of the ſaid act as relates to the time of ſaving lots in the ſaid towns of Nixonton and Hillſborough, be and the ſame is hereby repealed; and all perſons now proprietors of lots as aforeſaid, ſhall be allowed three years from the paſſing of this act, and all future purchaſers three years from the time of purchaſe, to place on their lots the improvements required by law; and if they do not comply with the requiſites of the law within the ſame time reſpectively, their lots ſhall be liable to be again ſold by the Commiſſioners for the uſe of the towns aforeſaid.

1791, 66, 37. Private.

CHAP. LV. *An Act to amend an act of the General Aſſembly, entitled,* An act for fixing on a proper place at or near the centre of the county of Montgomery, for erecting a court-houſe, priſon and ſtocks thereon, and for eſtabliſhing a town at the ſame place, and for directing the courts of pleas and quarter-ſeſſions to be held there, as ſoon as ſuch court-houſe is completed.

WHEREAS the Commiſſioners appointed by the before recited act, to aſcertain the place at, or near the centre of the ſaid county of Montgomery, whereon the court-houſe, priſon and ſtocks were to be erected, have failed and neglected to perform the duties enjoined on them by the ſaid act: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Thomas Childs, jun. Abraham Cockran, Thomas Williams, Peyton Randol, and Thomas Durham, be, and a majority of them are hereby appointed Commiſſioners for the purpoſe of aſcertaining a ſuitable place at or within three miles of the centre of the ſaid county of Montgomery, whereon to erect the public buildings, and to direct and lay out a town at the ſame place agreeable to the true intent and meaning of the ſaid act.

II. *And be it further enacted by the authority aforeſaid,* That Etheldred Harris, Stith Pemberton and John Randol, be, and a majority of them are hereby appointed Commiſſioners to contract with proper workmen for the purpoſe of erecting the buildings aforeſaid, and to ſuperintend the ſame agreeable to the plain meaning and intention of the ſaid act.

III. *And be it further enacted by the authority aforeſaid,* That the Juſtices of the county court of Montgomery are hereby expreſſly required, at the firſt court to be held for ſaid county after the paſſing of this act, to adjourn to the houſe of Mark Bennett, or any other place they may judge more convenient in the ſaid county, there to be held until the buildings aforeſaid are completed; to which place, agreeable to ſaid adjournment, all matters in law, precepts and cauſes in the ſaid court, ſhall ſtand continued and be returned.

IV. *Temporary.*

V. *And be it further enacted by the authority aforeſaid,* That ſo much of the ſaid act, entitled, "An act for fixing on a place at or near the center of the county of Montgomery, for erecting a court-houſe, priſon and ſtocks thereon, and for directing the courts of pleas and quarter-ſeſſions to be held there as ſoon as ſuch court-houſe is completed," as comes within the purview and meaning of this act, be, and the ſame is hereby repealed and made void; any thing to the contrary notwithſtanding.

CHAP. LVI. *An Act to amend an act, entitled,* An act for eſtabliſhing a town on the land of Robert Burton, Eſq. in the county of Granville. 1792

Private. 1786, 78, 194.

WHEREAS it is repreſented to this General Aſſembly that the time allowed for improving lots in the town of Williamſborough, in Granville county, eſtabliſhed by the aforeſaid act, is deemed inſufficient:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That a term of ninety-nine years from and after the paſſing of this act, be given to all perſons who hold lots in the ſaid town of Williamſborough, for the completing their buildings agreeable to the above recited act; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LVII. *An Act for altering the time of holding the county court of Pleas and Quarter-Seſſions for the county of Caſwell.*

Private.

WHEREAS the time at preſent for holding the county courts of pleas and quarter-ſeſſions for the county of Caſwell, has been found to be inconvenient:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the court of the county of Caſwell after the paſſing of this act, ſhall be held on the fourth Mondays in January, April, July and October, in each and every year; to which time all matters and things in the ſaid court depending, ſhall ſtand adjourned and continued, from the court which will be next in courſe after the paſſing of this act, and ſhall be valid in law; any thing in any law to the contrary notwithſtanding.

CHAP. LVIII. *An Act for eſtabliſhing a town on the lands of Charles Hunt, at the Shallow-Ford, on the Yadkin River.*

Private.

WHEREAS the place called the Shallow-Ford, on the Yadkin River, in Surry county, is repreſented to be a healthy ſituation, well ſuited for trade, and ſupplied with every convenience neceſſary for the accommodation of merchants and mechanics: And whereas Charles Hunt, Eſq. hath ſignified his conſent to have fifty or more acres of land adjoining the ſaid Shallow-Ford, appropriated for the erecting a town thereon, and hath actually laid off and ſurveyed ſixteen acres, in half acre lots, for the purpoſe aforeſaid:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid ſixteen acres of land, at the Shallow-Ford, containing thirty-two lots, agreeable to the plan thereof preſented to this General Aſſembly, ſhall be, and the ſame is hereby conſtituted and eſtabliſhed a town, by the name of Huntſville; and the ſaid ſurvey and plat of the ſaid town ſhall be recorded in the Regiſter's office of the county of Surry within twelve months after the paſſing of this act, and thereafter be taken as the authenticated bounds and diviſions of the ſaid town; and all titles hereafter to be executed by the ſaid Charles Hunt, or his ſucceſſors, to the purchaſers of lots in the ſaid town, ſhall be agreeable to the boundaries and diviſions mentioned in the ſaid plan.

CHAP. LIX. *An Act for the better regulation of the town Wilmington.*

Private.

WHEREAS the eſtabliſhment of a night-watch in the town of Wilmington, would have a tendency as well to encreaſe the ſecurity of the mercantile as the landed intereſt in ſaid town.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That on the firſt day of February next, and on every firſt day of February thereafter, the merchants, as well thoſe who ſell by wholeſale as retail, either as agents, factors or in their own right, ſhall be required by the Clerk of the town to give and render to the next meeting of the Commiſſioners of ſaid town, an eſtimate of the amount of what ſtock he, ſhe or they may have in trade in the ſaid town, on the ſaid firſt day of February, in the currency of the ſtate; on

1792. which eſtimate the Commiſſioners of the ſaid town, provided the whole or a majority of the number be preſent, ſhall, and they are hereby empowered to lay a tax on ſuch ſtock, not exceeding four ſhillings for every hundred pounds value of ſtock, to be applied as a fund for the ſupport of a night-watch; and in caſe any perſon ſhall refuſe to pay the amount of any tax ſo aſſeſſed after demand made by the town Clerk, the Commiſſioners, or a majority of them, ſhall iſſue a warrant under their hands and ſeals, directed to any Conſtable in ſaid town, who are hereby ſeverally directed to obey the ſame, commanding them to diſtrain for the ſame, under ſuch rules and regulations as are preſcribed on diſtraining for town taxes: And if any merchant ſhall neglect to render an eſtimate of his or her ſtock in trade, after due notice given by the Clerk of ſaid town, he, ſhe or they ſhall be ſubject to ſuch penalty as the Commiſſioners of ſaid town, or a majority of them, ſhall inflict, reſpect being had to the value of the ſtock of any perſon ſo neglecting, and which ſhall not in any caſe exceed ten pounds; to be recovered in the manner above mentioned, and to be applied to the purpoſe aforeſaid.

II. And whereas the practice of billiard and back-gammon playing is carried to an exceſs in the town of Wilmington, deſtructive to the morals of the youth of ſaid town: *Be it enacted by the authority aforeſaid*, That from and after the firſt day of February next, no perſon, under the penalty of fifty pounds, to be recovered and applied to the uſe of the town in manner aforeſaid, ſhall be permitted to keep a billiard or back-gammon table in ſaid town and receive pay for playing at ſaid table, unleſs he ſhall firſt receive a licenſe from the county court.

III. *And be it further enacted by the authority aforeſaid*, That three or more Commiſſioners of the ſaid town ſhall form a court, and meet on every firſt Monday in February, April, June, Auguſt, October and December, and ſhall have cognizance of all ſuch matters and things, given and granted to the ſaid Commiſſioners by the ſeveral acts of Aſſembly for the regulation of ſaid town; and ſhall have power and authority to make ſuch rules and bye-laws as are neceſſary for the regulation of ſaid town, not inconſiſtent with the conſtitution or the laws of the ſtate.

IV. Whereas it is repreſented to this General Aſſembly, that a ſtrict adherence to the plan drawn by James Blythe for the town of South-Waſhington, would prove injurious to the orphans of Robert Bloodworth, deceaſed: For remedy whereof: *Be it further enacted*, That the Commiſſioners for laying out the ſaid town, are hereby empowered to contract the ſaid plan, in ſuch manner as to prevent any injury being done to the ſaid orphans, by law-ſuits or otherwiſe, or to any buildings in the ſaid town fixed by the direction of Robert Bloodworth, deceaſed; any thing in the former act to the contrary notwithſtanding.

V. *And be it further enacted by the authority aforeſaid*, That Timothy Bloodworth, Eſq. and the executors mentioned in the laſt will and teſtament of Robert Bloodworth, deceaſed, are hereby veſted with powers equal to the Commiſſioners appointed by the act for eſtabliſhing the town of South-Waſhington, in as full and ample manner as if they had been mentioned as Commiſſioners in the afore recited act.

VI. *And be it further enacted by the authority aforeſaid*, That the inhabitants of ſaid town ſhall be compelled to work the ſame number of days on the ſtreets and wharves, as the inhabitants of the diſtricts do on the public roads; and in default thereof, ſhall be ſubject to the ſame penalties as the overſeers of the public roads are, and recoverable in like manner.

1788, 33, 217.* CHAP. LX. *An Act to amend an act, entitled*, An act to amend an act, entitled, An act for the regulation of the town of Hillſborough, *paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-eight; and to lay a tax in the county of Guilford for the purpoſe of repairing the public buildings.*

Private. WHEREAS by the third ſection of the above recited act, all polls are indiſcriminately made taxable for the purpoſe of repairing the ſtreets of ſaid town, which is found oppreſſive to part of the inhabitants thereof.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from after the paſſing of this act, the Commiſſioners of the town of Hillſborough ſhall have full power, at their firſt meeting after the annual election, to lay a tax not exceeding four ſhillings on every hundred pounds value of taxable property within the ſaid town, a-

greeable to the valuation made for public taxes for the preceding year; and a ſum not exceeding four ſhillings on every male poll, and a ſum not exceeding four ſhillings on every lot claimed or held by any perſon, whereon there is not a houſe of the dimenſions required by law for ſaving lots in the ſaid town; and a ſum not exceeding two ſhillings and ſix pence on every carriage wheel of pleaſure; the polls, lots and wheels to be aſcertained in ſuch manner as the Commiſſioners may direct. 1792.

II. *And be it further enacted by the authority aforeſaid*, That ſo much of the above recited act as authoriſes the ſaid town Commiſſioners to lay a tax on female ſlaves, ſhall be, and the ſame is hereby repealed and made void.

III. *Temporary*.

CHAP. LXI. *An Act directing the Entry-takers in the counties of Burke and Rutherford, to iſſue warrants in future to the Surveyor of Buncombe county, where the land entered in the ſaid counties of Burke and Rutherford lies in Buncombe county.*

Private.

WHEREAS there has ariſen a diſpute between the Surveyors of Rutherford and Buncombe counties, about ſurveying the lands lying in Buncombe and entered in the entry-office of Rutherford previous to the diviſion of ſaid counties:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That after the firſt day of January next the Entry-takers of the ſaid counties of Burke and Rutherford, ſhall iſſue all warrants (not iſſued before the ſaid firſt day of January) where the land ſo entered lies in the county of Buncombe, directed to the Surveyor of Buncombe county; who is hereby authoriſed and empowered to ſurvey the lands by virtue of the warrants to him ſo directed; which ſurveys ſhall be as good and valid in law as if the ſaid land had been entered in the ſaid county of Buncombe; any law, uſage or cuſtom to the contrary notwithſtanding.

LXII. *An Act to lay off and eſtabliſh a town near Fort-Johnſton on the Weſt ſide of Cape-Fear river in Brunſwick county.*

Private.

WHEREAS it has been repreſented to this General Aſſembly by the pilots, and a numher of other inhabitants of Brunſwick county, that the erection of a town on the weſt ſide of Cape-Fear river, will be attended with a variety of beneficial effects to the health, commerce and convenience of ſaid county and thoſe adjoining:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That after reſerving all the land near the ſaid Fort-Johnſton, which the Commiſſioners herein after appointed may deem neceſſary for the future defence thereof, and alſo one acre of ground for each of the pilots or their widows, agreeable to an act paſſed at Hillſborough, in the year of our Lord one thouſand ſeven hundred and eighty-four, one hundred and fifty acres be appropriated for a town; and that the ſaid land be, and is hereby veſted in Benjamin Smith, William Eſpy Lord, Robert Howe, Joſhua Potts and Charles Gauſe, Eſquires; who are hereby appointed and conſtituted Commiſſioners and Truſtees for laying out and directing the building and carrying on the ſaid town; and the ſaid Commiſſioners, or a majority of them, are hereby authoriſed and required to lay out a town containing one hundred lots, to conſiſt of half an acre each or thereabouts, with convenient ſtreets and ſquares; which lots, ſtreets and ſquares are hereby conſtituted and erected a town, and ſhall be called and known by the name of Smithville; and the overplus of land ſhall remain as a common for the uſe of the ſaid town, except the ſkirts on the water, which the Commiſſioners may hire out for the benefit of the ſaid town: And the Commiſſioners, or a majority of them, ſhall have full power and are hereby required to make, or cauſe to be made, a fair plan of ſaid town, and mark or number each lot therein; and after reſerving ten lots for the uſe of ſaid town, ſhall take ſubſcriptions for the remainder of ſuch perſons as may be willing to ſubſcribe for the ſame, and when a ſufficient number of lots ſhall in their opinion be ſubſcribed for, the ſaid Commiſſioners ſhall appoint a day, and give public notice thereof for drawing ſaid lots, which ſhall be done by ballot, in a fair and open manner, by the direction and inſpection of a majority of ſaid Commiſſioners; and each ſubſcriber ſhall be entitled to the lot or lots drawn for him or her, and correſponding with the mark or number con- 1, '84, 27, 499. 1, 1794, 1.

1792. tained in the plan of ſaid town; and the ſaid Commiſſioners, or a majority of them, are hereby empowered to grant good and ſufficient titles in fee ſimple, for ſaid lots, at the coſt of the ſubſcribers. *Provided* that no one perſon ſhall be permitted to ſubſcribe for more than ſix lots for his or her own uſe.

II. *And be it further enacted by the authority aforeſaid*, That in caſe of refuſal, death or removal out of the county of any of the Commiſſioners appointed by this act, the remaining Commiſſioners are hereby empowered and required to appoint from time to time, ſome other perſon or perſons who has, or have an houſe or houſes in the ſaid town, or are reſident in the ſaid county, in the place of him or them ſo refuſing, dying or removing; and the new Commiſſioner or Commiſſioners ſo appointed, ſhall have the like power and authority in all matters and things, as if he, or they had been expreſſly named and appointed by this act.

III. *And be it further enacted*, That the firſt meeting of the Commiſſioners, ſhall be held on the fourth Saturday in January next, when they ſhall, or may appoint a Chairman and town clerk, and thereafter ſuch other officers, as ſhall appear to them neceſſary; that the town clerk ſhall give bond with ſufficient ſecurity, for performing the duties of his office; and on the ſettlement of his accounts annually, and punctually paying the monies for which he is liable; he ſhall be allowed ſuch commiſſions, fees or ſalary, as the Commiſſioners deem reaſonable; he ſhall keep a town book, in which ſhall be entered the time of ſubſcribing, or taking the entries of lots, the names of the ſubſcribers, and the mark or numbers of the lots ſubſcribed for, orders made by the Commiſſioners, the time when deeds are granted, an account of the monies received, the manner of applying the ſame, the ſum remaining on hand, and all other matters properly relating to his office.

IV. *And be it further enacted*, That each reſpective ſubſcriber for any lot in ſaid town, within one month after it ſhall be aſcertained to whom each of the ſaid lots doth belong, ſhall pay, and ſatisfy to the town clerk, two pounds for each and every lot by him ſubſcribed for; and in caſe of refuſal, or neglect to pay the ſame, the town clerk may, and ſhall in his own name, ſue for the ſame, and after receiving the ſaid ſubſcription money, and deducting ſo much as is neceſſary and reaſonable for the expence and trouble of laying off the ſaid town, which charges ſhall be preſented and approved by the county court before they ſhall be allowed as vouchers; the ſaid town clerk is hereby required to pay the balance to the Treaſurer of the Univerſity, for the uſe of the ſame.

V. *And be it further enacted*, That the Commiſſioners of the ſaid town ſhall be veſted with, and are hereby declared to have power from time to time, to paſs any order they may judge proper, for promoting the good and ſafety of the ſaid town, and the proper regulation thereof, and alſo to poſſeſs all authorities given by the laws of this ſtate to the Commiſſioners of other towns; and in all their acts a majority ſhall conſtitute a quorum, nor ſhall they do buſineſs with a leſs number; and the ſaid Commiſſioners are hereby required to fix up a ſtate of their accounts, at the moſt public places of ſaid town, on the firſt Monday in Auguſt, in every year; and from time to time to call to account all perſons, for any monies which may, or ought to be in their hands, belonging to the ſaid town; and in caſe of their failure or refuſal to pay, to bring ſuit for all ſuch monies, which ſhall be applied as a majority of the Commiſſioners may think moſt conducive to the emolument and advantage of the ſaid town.

CHAP. LXIII. *An Act to eſtabliſh an inſpection of tobacco at Averasburgh, in the county of Cumberland.*

Private. WHEREAS it has been repreſented to this General Aſſembly, that eſtabliſhing an inſpection of tobacco at Averaſburgh in the county of Cumberland, will much contribute to the convenience and encouragement of commerce in the ſame:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the county court of Cumberland, ſhall annually appoint two diſcreet and careful men, contiguous to, or in the town of Averaſburgh, well acquainted with the nature and quality of tobacco, to be inſpectors thereof, who ſhall take the ſame oath, be ſubject to the ſaid rules, regulations and reſtrictions to which inſpectors of tobacco are ſubject, by an act of the General Aſſembly, paſſed at Newbern in the year ſeventeen hundred and ſeventy-ſeven, entitled, *An act to amend the ſtaple of tobacco, and prevent frauds.*

2,'77, 12, 337.

II. *Be it enacted by the authority aforeſaid*, That from and after the paſſing of this act, the inſpectors that are, or ſhall be appointed to inſpect tobacco by virtue of this act, at Averaſburgh, ſhall take and receive for inſpecting, turning up, coopering, finding nails, hoops, and iſſuing a note for the ſame, the ſum of ſix ſhillings for each waggoned hogſhead of tobacco; and for inſpecting, turning up, coopering, finding nails, hoops, and iſſuing a note, for each rolled hogſhead of tobacco, ſeven ſhillings; and for each and every hogſhead of transfer tobacco, by the ſaid inſpectors prized, turned up, coopered, hooped, and iſſuing a note for the ſame, the ſum of fifteen ſhillings, and no more, under the penalty of ten pounds, for each and every offence, to be recovered upon conviction, by any juriſdiction having cognizance thereof, the one half to the uſe of the informer, the other half to the uſe of the poor of the county wherein ſuch inſpectors may reſide.

III. *And be it further enacted*, That the tobacco ſo inſpected, ſhall be held and deemed merchantable, in like manner as if the ſame had been inſpected at any other inſpection eſtabliſhed in this ſtate.

CHAP. LXIV. *An Act for laying a tax on the inhabitants of the county of Hyde, for the purpoſe of building a houſe in the ſaid county, for the reception and employment of the poor thereof.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that the inhabitants of the ſaid county are earneſtly deſirous of having proper buildings therein, for the reception and uſeful employment of the poor thereof:

I. *Temporary.*

II. *And be it further enacted*, That Benjamin Ruſſel, William Clark and William Harris, are appointed Commiſſioners to direct and ſuperintend the building of ſuch houſe, in the county of Hyde; and the ſaid Commiſſioners are hereby empowered to receive and appropriate to the building of ſuch houſe the monies raiſed by virtue of this act. And it is hereby declared to be their duty to publiſh from time to time, and at every county court, at the door of the court-houſe of the ſaid county, an account and ſtatement of the ſums by them received and diſburſed; and finally to ſettle with, and have their accounts audited by auditors, to be appointed by the ſaid county court; and ſhall pay over the balance remaining in their hands (if there be any ſuch balance) to the Wardens of the poor of the ſaid county, to be by them applied for the benefit of the poor; and the ſaid commiſſioners ſhall be entitled to ſuch reaſonable allowance for their ſervices in this behalf as the ſaid county court ſhall think proper to make.

III. *And be it further enacted*, That the commiſſioners by this act appointed are empowered to fix on a proper place for the erection of ſuch building, and either to buy, or receive by way of donation, ſuch lands as may be convenient for the ſame, and to take a deed therefor from the former proprietor or owner, to the Wardens of the poor of the ſaid county to and for the uſe of the poor thereof: which deed ſhall be recorded in the proper office, and lodged with the Clerk of the court of ſaid county; and the ſaid Commiſſioners are hereby further authoriſed to uſe ther own diſcretion with reſpect to the ſize and dimenſions of ſaid houſe, and the manner of erecting the ſame.

IV. *And be it further enacted*, That the ſaid houſe when completed, ſhall be under the care and management of the Wardens of the poor of ſaid county, to admit therein ſuch perſons as they may think proper objects of public charity, to provide ſuitable proviſion, and apparel for them, and to make ſuch arrangements for their convenient and uſeful employment, as to them may appear moſt advantageous.

V. *And be it further enacted*, That in caſe of death, or refuſal to act, the county court ſhall proceed to appoint other Commiſſioners, and they, or a majority of them to proceed agreeable to the intent and meaning of this act, to carry the ſame into effect.

CHAP. LXV. *An Act to empower the county court of Rutherford to lay a further tax, to defray the expence of the public buildings in ſaid county; and to appoint more Commiſſioners to aſſiſt thoſe that have been heretofore appointed by law.*

Private.

WHEREAS it hath been made appear to the General Aſſembly, that the tax heretofore laid is not ſufficient to pay for the building a court-houſe, priſon and ſtocks, in the county of Rutherford; and ſome of the Commiſſioners that were firſt appointed by act of the General Aſſembly, have removed out of the ſaid county: 1787, 38, 208.

1792. I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That as ſoon as the Commiſſioners have obtained a deed in fee ſimple, for the remaining thirty-ſix acres of the town land from David Miller, his heirs or aſſigns, for the uſe of the town and court-houſe already eſtabliſhed; that the county court is hereby empowered to lay a tax not exceeding two ſhillings, on each and every poll; a tax of two ſhillings on every hundred pounds value of town lots, with their improvements; and a tax of eight pence on every hundred acres of land in ſaid county, for the purpoſe aforementioned. *Provided* that this act be not conſtrued ſo as to affect the right and title of ſaid Miller.

II. *And be it further enacted,* That John Bayles Earl, Samuel Carpenter and David Dickey, be, and they are hereby appointed Commiſſioners to act with thoſe that are already appointed to lay out the town of Rutherfordton, and to agree with workmen to complete the whole of the building in ſaid county; and that the Commiſſioners appointed by this act, together with thoſe that have been heretofore appointed by law, or a majority of them are hereby declared to have, poſſeſs and enjoy all the powers that have been ever heretofore veſted in Commiſſioners for the purpoſe aforeſaid, either to demand, ſue for and recover all monies that may have been, or ſhall be collected by any perſon or perſons appointed to receive the ſame, for the purpoſes of the ſaid buildings.

III. *And be it further enacted,* That it ſhall and may be in the power of the county court of Rutherford, to lay all their county taxes in any ſpecific article, that they may judge moſt convenient for the inhabitants of the ſaid county, to be delivered to ſuch perſon or perſons, and to ſuch place or places, as the court may appoint in each Captain's company; the court firſt fixing the price of ſuch article, ſo that the perſon paying may chuſe whether he will pay money or not, and that the Juſtices every October court, ſhall appoint a time for the payment of ſuch county tax in each year. *Provided further,* That if any perſon or perſons ſhall delay paying ſuch tax aforeſaid, as by this act directed, ſhall pay money in the ſame manner as heretofore preſcribed.

IV. *And be it enacted,* That the Juſtices ſhall every October court appoint by ballot a county Treaſurer, who ſhall give bond with ſufficient ſecurity, in the ſum of two hundred and fifty pounds to the Chairman of the court for the time being, and his ſucceſſors in office, for the faithful diſcharge of his duty in office; and the Treaſurer ſo appointed, is hereby authoriſed and empowered to call on the Collectors appointed by virtue of this act, for the payment of the county tax, in the ſame manner as the Sheriff is by law directed to call on the Collectors of the public tax.

V. *And be it further enacted,* That the Treaſurer ſo appointed, is hereby authoriſed and empowered to call on the Ranger for ſaid county for a copy of his books annually, who is hereby directed to furniſh the Treaſurer with an atteſted copy of all entries made by him, under the penalty of fifty pounds, to be recovered by action of debt for the uſe of the county; and the Treaſurer is hereby authoriſed and empowered to call on all perſons indebted for ſtrays, and receive pay, as by this act is directed.

VI. *And be it further enacted,* That the Treaſurer ſhall ſettle with the court for all monies by him received, and the appropriations made, the ſucceeding court after the expiration of his appointment; and the Treaſurer ſhall receive ſix per cent. for all the monies ariſing on ſtrays, which he ſhall by virtue of this act collect.

VII. *And be it further enacted,* That all monies that is due or ſhall become due on the ſale of lots in the town of Rutherfordton, ſhall be paid and collected in the ſame manner as the county taxes, and accounted for with the Commiſſioners by the Treaſurer; and to enable the Treaſurer to collect ſaid monies, the Commiſſioners ſhall furniſh him with a copy of all lots ſold by them, to whom, and for what ſum; and all ſuits brought and judgment taken by virtue of this act, ſhall be in the name of the Chairman of the court; and all laws, or parts of laws, coming within the purview of this act, are hereby repealed and made void; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LXVI. *An Act to appoint Commiſſioners for erecting a court-houſe, priſon and ſtocks in the moſt central part of Randolph County.*

Private. WHEREAS it is repreſented to this General Aſſembly, that the preſent court-houſe is far diſtant from the centre of the ſaid county:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the*

authority of the ſame, That Henry Branſon, Daniel Cox, Peter Craven, Joſeph Elliot and Eliſha Mendenhall, be, and they are hereby conſtituted Commiſſioners, to contract with workmen for building a court-houſe, priſon and ſtocks, on ſuch convenient ſpot contiguous to, or at the centre of the ſaid county, as they, or a majority of them ſhall think moſt ſuitable: And for defraying the expence of the ſaid buildings: 1792.

II. *Be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners ſhall have full power and authority to ſell at public auction, the preſent public buildings erected in ſaid county, by a former act of the General Aſſembly, and faithfully to appropriate the money ariſing from the ſale, to diſcharge the expence of building thoſe appointed by this act; which money, together with that voluntarily ſubſcribed by the inhabitants of ſaid county, ſhall only be appropriated in building and completing the ſame.

III. *Be it further enacted*, That until a new court-houſe, priſon and ſtocks, be erected by the Commiſſioners, the court ſhall continue to be called and held, where the old court-houſe now ſtands; and that it ſhall be adjourned from thence, to the place where the Commiſſioners ſhall erect the new one, and ever after continue to be there held, called, and adjourned from time to time.

CHAP. LXVII. *An Act to amend an act, entitled*, An act to empower the Juſtices of Hertford and Tyrrel counties to eſtabliſh free ferries in the ſaid counties; and to lay a tax for paying the charges of the ſame. 1785, 51, 163.*

WHEREAS the good purpoſes of the ſaid act, ſo far as it relates to the county of Tyrrel, are not effectually anſwered: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the owners or keepers of ferries within the ſaid county of Tyrrel, ſhall, and they are required, on oath, once in every ſix months, to lay before the court of the ſaid county of Tyrrel, a true and fair ſtatement and account of all ſuch perſons as have been ferried over on any of the days or ſucceeding days of courts, elections of Members of Aſſembly, or Congreſs, Wardens of the poor, and meetings of the Wardens of the ſaid county.

II. *And be it further enacted*, That all owners or keepers of ferries within the ſaid county of Tyrrel, ſhall give bond and ſecurity to the court of ſaid county for the ſafe keeping of the ſaid ferries, and for the due and faithful performance of their duty as ferrymen.

III. *And be it further enacted*, That the Juſtices of the ſaid county of Tyrrel, on receiving the account and ſtatement of the ferriages on oath as aforeſaid, are hereby authoriſed and required to lay a tax agreeably to the directions of the ſaid act for the payment of the ſame.

IV. *And be it further enacted*, That each and every ferryman within the ſaid county of Tyrrel, ſhall be obliged to ſet over, ferriage free, any of the inhabitants of the ſaid county, on the days and times aforeſaid, under the penalty of twenty ſhillings for every offence, to be recovered by the party injured before any Juſtice of the Peace, and applied to his own uſe; and ſhall moreover be anſwerable for all damages which ſuch perſon or perſons may ſuſtain in conſequence of the uſage, or improper keeping of the ſaid ferries or the boats thereof.

V. *And be it further enacted*, That ſo much of the before recited act as comes within the meaning and purview of this act, is hereby repealed.

Private.

CHAP. LXVIII. *An Act for altering the times for holding the county courts of Camden and Robeſon, and to levy a tax for the ſupport of the poor for the county of Camden.*

WHEREAS the time heretofore appointed by law, for holding the county courts of Pleas and Quarter-Seſſions of Camden county, is found inconvenient:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the next court to be held for the county of Camden, the ſaid courts ſhall be held on the following days, to wit: the firſt Mondays in May, Auguſt, November and February; and that every proceſs and recognizance returnable to the ſaid court, ſhall be returnable on the days by this act appointed; and all cauſes depending in the ſaid court, ſhall ſtand

1792. continued to the ſame days; any law or uſage to the contrary notwithſtanding.

II. *And be it further enacted by the authority aforeſaid*, That all laws, and clauſes of laws, coming within the meaning and purview of this law, are hereby repealed and made void.

III. *Temporary.*

IV. *And be it further enacted*, That from and after the next court to be held for the county of Robeſon, the ſaid courts ſhall be held on the following days, to wit; the firſt Mondays in April, July, October and January; and that every proceſs returnable to the ſaid court, ſhall be on the days by this act appointed; and all cauſes depending in the ſaid court ſhall ſtand continued to the ſame days; any law, or uſage to the contrary notwithſtanding.

CHAP. LXIX. *An act to authoriſe Thomas Neale and John Hall, Eſquires, ſecurities of Joſeph Richardſon, deceaſed, late Sheriff of Brunſwick county, to collect the tax due from certain perſons in ſaid county; and to empower Sheriffs and Collectors of public taxes, to diſtrain for the ſame after ſuch taxes become due.*

Private. The firſt part Temporary.

II. AND whereas doubts have ariſen, whether Sheriffs, their deputies, or collectors of taxes, have power to diſtrain after the time for which they were appointed, is expired; *Be it therefore enacted by the authority aforeſaid*, That all perſons, who have within three years heretofore been authoriſed to receive public taxes, and who have failed to collect the full amount for which they are accountable; and all perſons who hereafter may be authoriſed to receive public taxes, be, and they are hereby ſeverally empowered to collect, and diſtrain for the ſame, in as full and ample a manner as they could have done when the ſaid taxes became due: *Provided*, that they, and each of them, collect or diſtrain for the ſame, within one year after the paſſing of this act, or within one year after ſuch Sheriff or Collector is accountable for ſaid taxes; and provided further, that nothing herein contained, ſhall be conſtrued to prevent the Treaſurer recovering againſt Sheriffs for taxes, or the Sheriffs againſt Collectors, within the time heretofore appointed by law.

1786, 73- CHAP. LXX. *An Act to amend an Act for levying a tax to repair the court-houſe of the diſtrict of Edenton.*

Private. The firſt part Temporary.

II. And whereas Nathaniel Allen, one of the executors of Joſeph Hewet, late Commiſſioner for building the ſaid court-houſe, hath repreſented to this General Aſſembly that the ſaid diſtrict is indebted to him for monies advanced by his ſaid Teſtator: *Be it enacted*, That the Commiſſioners appointed by the above recited act, be, and they are hereby authoriſed, empowered and directed, at their firſt meeting after the paſſing of this act, to examine into the juſtice of the claim of the ſaid Nathaniel Allen, and to diſcharge and pay ſuch ſum as may appear to be juſtly due thereon, out of the arrears to be collected under the ſaid act; and ſhould the ſaid arrears be inſufficient, the ſaid Commiſſioners are required to make report thereof to the next General Aſſembly that proviſion may be made for ſuch payment.

III. And whereas on account of the diſperſed ſituation of the ſaid Commiſſioners, it is difficult for them frequently to meet together: *Be it further enacted by the authority aforeſaid*, That each of the Commiſſioners is hereby empowered in the name of the Commiſſioners of the court-houſe of the diſtrict of Edenton, to proceed to take judgment againſt any delinquent or delinquents within his reſpective county, for ſuch ſum or ſums as he or they may appear to be in arrear; and the ſaid board of Commiſſioners are directed to allow all reaſonable coſts and expences, which any one of their number may incur in carrying into effect this act, out of the fund by this and the above recited act appropriated to the repairing of the ſaid court-houſe.

IV. *And be it further enacted*, That in caſe of the death, removal or refuſal to act, of any of the ſaid Commiſſioners, the ſurvivors are empowered to chooſe ſome other perſon of the ſame county with them ſo dying, removing or refuſing to act; and the perſon ſo choſen is hereby declared to be veſted with the ſame powers and authorities as the Commiſſioners appointed by the ſaid act.

CHAP. LXXI. *An Act for laying off a town on the lands of Joseph Jones, in the county of Camden.* 1792.

Private.

WHEREAS it hath been represented to this General Assembly, that a town in the county of Camden, on the lands of Joseph Jones, would be conducive to the welfare of the county aforesaid:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That Peter Daugh, Isaac Murdew, Dempsey Burgess, Benjamin Jones, Caleb Grandy, Thomas Harvey, William Blair, William Cumming and John Hamilton, or a majority of them, be, and they are hereby appointed Commissioners, to settle with the said Joseph Jones for thirty-five acres of land; and the ground so agreed for to lay off in half acre lots on the back ground, and quarter acre lots on the water, at such price, for each of the same, as the said Commissioners or a majority of them may think proper, in streets not less than sixty feet in width, for the front and principal streets, and not less than thirty feet for the side or cross streets; which lots and streets the said Commissioners are required to lay down in a regular plat, numbering the lots therein laid down; which ground so laid off, shall be distinguished by the name of the town of Jonesborough.

II. *And be it further enacted by the authority aforesaid*, That the Commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another; and when the name being drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name; and the remaining numbers undrawn and unsubscribed, shall be vested in the said Commissioners for the use of the said town. *Provided always*, That this act shall not have effect until the said Joseph Jones shall execute a sufficient conveyance to the Commissioners aforesaid, of the lands agreed for as aforesaid for the laying off the said town.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or a majority of them, are hereby empowered to receive the same, and to grant a certificate of the lot or lots, when drawn by the subscribers, which is hereby declared to vest in them respectively a good and sufficient title in law.

IV. *And be it further enacted by the authority aforesaid*, That if any of the Commissioners hereby appointed, shall refuse to act, die or remove out of the county, the surviving Commissioners shall be, and they are hereby empowered to elect another in the room of him, or them so refusing, dying or removing.

CHAP. LXII. *An Act for the inspection of tobacco at the Saura-Town-Hill, on the land of Peter Hairson, in the county of Stokes.*

Private.

WHEREAS an inspection of tobacco at the Saura-Town-Hill, in the county of Stokes, will be highly advantageous to the good people in the neighbourhood thereof:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the county court of Stokes shall appoint two discreet persons, well acquainted with the nature and quality of tobacco, to be inspectors thereof at the place aforesaid; who shall take the same oath, and be subject to the same rules, regulations and restrictions, and be entitled to the same benefits and emoluments, as inspectors of tobacco are subject and entitled to in this state: And all tobacco so inspected, shall be held and deemed merchantable, as if the same had been inspected at any other inspection in this state.

II. *And be it further enacted by the authority aforesaid*, That as soon as the said Peter Hairson shall have completed a ware-house, for the reception of tobacco at the said Saura-Town-Hill aforesaid, it shall and may be lawful for him to demand and receive such storage on tobacco inspected in the said ware-house, as has heretofore been received in the other ware-houses in this state.

CHAP. LXXIII. *An Act to establish certain fairs at the places therein mentioned, in the counties of Richmond and Moore.*

Private.

WHEREAS it has been represented to this General Assembly, that establishing fairs at Laurel-Hill, in the county of Richmond, and at the place called Monroe's, and at the place called the

1792. Grove, in Moore county, would tend to encourage and promote induſtry and manufactures, and be of general utility to the people in diſpoſing of, and exchanging their ſtocks, produce, and other commodities:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That a fair be eſtabliſhed at the place laid off for that purpoſe, at Laurel-Hill, in the county of Richmond; to begin annually on the ſecond Tueſdays in May and November, and to continue four days at each enſuing term.

II. *And be it further enacted,* That John Cole. jun. Sion Alford, John M'Aleſter, Angus Gilchriſt, Samuel Pate, Daniel M'Leran and John M'Coy, be, and they are hereby conſtituted and appointed Managers of ſaid fair at Laurel-Hill; and in caſe of death, refuſal to act, or removal of any of the ſaid Managers, a majority of the remaining Managers may appoint another, or others, in his or their ſtead.

III. *And be it further enacted,* That a fair ſhall be eſtabliſhed at the place called Monroe's, in the county of Moore, to begin annually on the firſt Mondays in May, and to continue three days at each enſuing term.

IV. *And be it further enacted,* That Thomas Gilmour, Ralph Davis and Malcolm Gilchriſt, be, and they are hereby conſtituted and appointed Managers of the ſaid fair, at Monroe's aforeſaid; and in caſe of death, removal, or refuſal to act of any of the ſaid Managers, the remaining Managers ſhall appoint another, or others, in his or their ſtead.

V. *And be it further enacted,* That a fair ſhall be eſtabliſhed at a place called the Grove, in Moore county aforeſaid, to begin annually on the firſt Mondays in October in every year; and to continue three days at each enſuing term.

VI. *And be it further enacted,* That Samuel Dunn, William Davis and William Barrot, be, and they are hereby conſtituted and appointed Managers of the ſaid fair, at the Grove aforeſaid; and in caſe of death, removal, or refuſal to act of any of the ſaid Managers, the majority of thoſe remaining ſhall appoint another, or others, in his or their ſtead.

VII. *And be it further enacted,* That all citizens of the United States, ſhall have, and enjoy the privilege of ſelling, bartering and exchanging their produce, manufactures, and other commodities, at the fairs hereby eſtabliſhed, agreeable to the laws of this ſtate, and the regulations of the Managers of the ſaid fairs, inſtituted for that purpoſe.

Read three times, and ratified in General Aſſembly this 31ſt day of December, 1792.

WILLIAM LENOIR, *Speaker of the Senate.*
STEPHEN CABARRUS, *Speaker of the Houſe of Commons.*

Copy. J. GLASGOW, *Secretary.*

ACTS OF GENERAL ASSEMBLY.

At a GENERAL ASSEMBLY, begun and held at Fayetteville, on the Second Day of December, in the Year of our Lord, One Thouſand Seven Hundred and Ninety-Three, and in the Eighteenth Year of the Independence of the ſaid State—Being the Firſt Seſſion of the ſaid Aſſembly. 1793. RICHARD D. SPAIGHT Eſq. Governor.

CHAP. I. *An Act to carry into effect an act of Congreſs, entitled, "An act more effectually to provide for the national defence, by eſtabliſhing an uniform militia throughout the United States;" alſo to amend an act, paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-ſix, entitled, "An act for eſtabliſhing a militia in this ſtate."* 1786, 22, 591.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That in order to carry into effect the above recited act of Congreſs, the militia of this ſtate be arranged into brigades and diviſions, in the following manner, *that is to ſay*, the diſtrict of Edenton, the firſt brigade; the diſtrict of Newbern, the ſecond brigade; the diſtrict of Wilmington, the third brigade; the diſtrict of Fayetteville, the fourth brigade; the diſtrict of Halifax, the fifth brigade; the diſtrict of Hillſborough, the ſixth brigade; the counties of Rowan, Montgomery, Cabarrus, Mecklenberg and Iredell, ſhall compoſe the ſeventh brigade; and the counties of Rockingham, Stokes, Surry and Guilford, ſhall compoſe the eighth brigade; and the diſtrict of Morgan, the ninth brigade; and that the firſt and ſecond brigades ſhall compoſe the firſt diviſion; that the third and fourth brigades compoſe the ſecond diviſion; that the fifth and ſixth brigades compoſe the third diviſion; and that the ſeventh, eighth and ninth brigades ſhall compoſe the fourth diviſion.

Militia of this ſtate arranged into brigades and diviſions.

II. *And be it further enacted,* That one Major-General be appointed by joint ballot of both houſes, to command each diviſion, who ſhall have the power to appoint two Aids-de-Camp; and that one Adjutant-General be alſo appointed by joint ballot of both houſes of the General Aſſembly, whoſe duty it ſhall be to carry into effect ſaid act of Congreſs and militia laws of this ſtate, ſo far as comes within the line of that department.

Officers to be appointed by the Gen. Aſſembly.

Adjutant-General's duty.

III. *And be it further enacted,* That the ſeveral regiments in each brigade ſhall be numbered according to the dates of the commiſſion of the Colonels or officers commanding them reſpectively at the end of the preſent ſeſſion.

Regiments to be numbered.

IV. *And be it further enacted,* That the officers of the militia in each county, ſhall have full power to divide their regiments reſpectively into regiments and battalions, agreeable to the directions of Congreſs, and to appoint their ſeveral places of holding their regimental and battalion muſters and courts martial, except where they may be, or have been heretofore, divided and appointed by law, any thing to the contrary notwithſtanding: *Provided always,* That no regiment or battalion ſhall be formed of a leſs number than is by the act of Congreſs directed.

Officers, power in each county as to the diviſion of their regiments, appointing place of muſter, &c.

V. *And be it further enacted,* That all perſons who have entered in the cavalry, and have failed to equip themſelves agreeable to law, or ſhall fail to do the ſame within twelve months after the paſſing of this act, ſhall be returned to the infantry; nor ſhall any perſon hereafter be excuſed from doing duty in the infantry, notwithſtanding his enrolment in the cavalry, until ſuch perſon equips himſelf completely for the ſame. *Provided always,* That nothing contained in this act ſhall be conſtrued to do away or aboliſh the preſent regiments of horſe, or of artillery or independent companies in this ſtate.

Thoſe of the cavalry not equipped, to be turned to the infantry &c.

Proviſo.

VI. *And be it further enacted,* That there ſhall be one general or battalion muſter in each year in every county within this ſtate, and one private muſter once in every three months, under the ſame rules and regulations as directed by the before recited acts.

Muſters.

1793.

Manner of proceeding as to fines,

VII. *And be it further enacted*, That in all caſes where fines have been heretofore triable and recoverable before a Juſtice of the Peace, the ſame ſhall be tried by a proper court martial; and to compel payment of ſuch fines, the preſident of the court martial is hereby empowered and required without delay to iſſue execution, which ſhall be ſerved in caſe of a commiſſioned officer by the Adjutant of the regiment to which he belongs, who ſhall over and above ſuch fine levy for his own uſe the uſual fees allotted to the Sheriffs for ſuch ſervices. And all executions againſt a non-commiſſioned officer or private ſhall be ſerved by a Sergeant of the company, who ſhall over and above the fine collect for his trouble the uſual fees allowed to Conſtables for ſuch ſervices. *Provided always*, That all fines impoſed by the before recited act ſhall in every inſtance be reduced one half.

Altered by 1, 1794, 2.

Officers to make returns.

VIII. *And be it further enacted*, That the commanding officer of each brigade ſhall annually make a juſt and true return of his brigade to the Major-General of his brigade, under the ſame penalty he was liable to pay for not making return to the Governor; and the Major-General ſhall forward in due time a return of his diviſion to the Adjutant-General of this ſtate.

Repealing clauſe.

IX. *And be it further enacted*, That ſo much of an act of the General Aſſembly, entitled, "An act for eſtabliſhing a militia in this ſtate," as comes within the purview and meaning of the before recited act of Congreſs, be and the ſame is hereby repealed and made void.

Temporary.

CHAP. II. *An Act for altering the time of the next annual meeting of the General Aſſembly of this ſtate.*

CHAP. III. *An Act to prevent the introduction and communication of contagious diſeaſes.*

WHEREAS the ſuffering veſſels to come into any of the ports of this ſtate, with any perſon or perſons on board infected with any contagious diſorder, or coming from any place where any ſuch diſorder prevails, would greatly endanger the health and lives of the inhabitants of this ſtate:

Commiſſioners of navigation, &c. to meet and appoint a place for veſſels infected to perform quarantine.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That on the Second Monday in April one thouſand ſeven hundred and ninety-four, or as ſoon thereafter as may be, the Commiſſioners of navigation in the reſpective ports and inlets of this ſtate, and where there are no Commiſſioners, any three Juſtices of the Peace convenient to ſaid ports or inlets, ſhall meet together and appoint ſuch place or places as they may think proper for veſſels to perform quarantine; and when a veſſel ſhall arrive at any of the ſaid ports or inlets having an infectious diſtemper on board, or which came from any place that was at the time of her ſailing, or ſhortly before, infected with any malignant diſorder, the maſter and pilot of the veſſel ſhall anchor her at the place ſo appointed, under the penalty of five hundred pounds, to be paid by the ſaid maſter or pilot, and give immediate information thereof to the Commiſſioners of navigation, or where there are no Commiſſioners, to the neareſt Juſtice of the Peace, who with two others to be ſummoned by him, or any three of the Commiſſioners aforeſaid, ſhall thereupon cauſe ſuch veſſel and her crew to be examined by at leaſt one experienced phyſician, where to be had, upon whoſe report in writing, which ſaid phyſician is required to make, and on other information they may receive, it ſhall and may be lawful for any three of ſuch Commiſſioners, and where no Commiſſioners, any three neighbouring Juſtices, to order and command the maſter of the veſſel, crew and paſſengers to perform quarantine, as by them ſhall be deemed moſt proper and requiſite to check and prevent any infectious diſtemper from ſpreading in this ſtate; and every perſon on board ſuch veſſel directed to perform quarantine, ſhall from time to time during ſuch quarantine obey all and every order given by the authority of the ſaid Commiſſioners or Juſtices reſpecting the victualling, purifying and cleanſing of ſuch veſſel, and all perſons and articles on board, and the intercourſe of the ſaid perſons with the inhabitants of this ſtate, the receiving any perſon on board or putting them on ſhore. And if the ſaid pilot or maſter ſhall neglect or refuſe to give ſuch information as above required, the pilot for ſuch neglect or refuſal ſhall forfeit and pay the ſum of fifty pounds; and the maſter, for the like neglect or refuſal, ſhall forfeit and pay the ſum of one hundred pounds. And in caſe the maſter of any veſſel ſo ordered to perform quarantine, ſhall refuſe to comply with or fail to fulfil the orders of the Commiſſioners, or Juſtices of the Peace, where there are no Commiſſioners, for performing quarantine with his veſſel as aforeſaid, he ſhall forfeit and pay the ſum of one hundred pounds for each day he ſhall fail to proceed and perform the quarantine ordered by the Commiſſioners or Juſtices of the Peace, as in this act directed; for which forfeiture or forfeitures the property of the ſaid Captain,

Penalty on maſter and pilot of any veſſel having on board an infectious diſeaſe not anchoring at the place appointed, &c.

Crew to be examined, &c.

To obey the orders of the Commiſſioners, &c.

Pen. on pilot and maſter not giving the neceſſary notice.

On the maſter for not fulfilling the orders of the Commiſſioners.

Capt. veſſel and cargo liable for the forfeitures.

Proviſo.

with the veſſel and cargo, ſhall be liable; *provided* it ſhall appear that the breach of the orders of the Commiſſioners or Juſtices as aforeſaid, was by the conſent of the owner or conſignee; but if the owner or conſignee did not conſent, then and in that caſe the maſter of ſuch veſſel only ſhall be liable, to be recovered and applied in ſuch manner as herein after directed.

Pen. on ſeamen or paſſengers for leaving the veſſel contrary to order of the Commiſſioners, &c.

II. *And be it further enacted*, That when any veſſel ſhall be directed to perform quarantine as aforeſaid, and any ſeaman or paſſenger ſhall, contrary to the order and direction of the Commiſſioners or Juſtices of the Peace as aforeſaid, leave the ſaid veſſel and land on any other place than the ſaid Commiſſioners or Juſtices ſhall allow of, each and every perſon ſo offending, ſhall forfeit and pay the ſum of one hundred pounds for each and every offence; and where the perſon or perſons ſo offending ſhall not be able to pay the ſaid forfeiture, and it can be made appear that they left the veſſel with the maſter's conſent, either expreſs or implied, the ſaid maſter ſhall be liable to pay the ſaid penalty of one hundred pounds, for each and every ſuch offence of any of his paſſengers or ſeamen.

What penalties perſons liable to for going on board, &c.

III. *And be it further enacted*, That when any veſſel ſhall be as aforementioned directed to perform quarantine, and any perſon or perſons knowing of ſuch order, either by the information of the maſter or otherwiſe, ſhall go on board of ſuch veſſel or veſſels, each and every perſon ſo going on board ſhall forfeit and pay the ſum of fifty pounds. And if any perſon or perſons ſhall be permitted by the maſter of ſuch veſſel to come on board without informing him or them of the order and directions of the Commiſſioners or Juſtices of the Peace, the ſaid maſter ſhall be liable to pay the ſum of one hundred pounds for each and every perſon ſo offending, and the ſum of two hundred pounds for ſuffering any perſon ſo on board to depart his veſſel without leave of the Commiſſioners or Juſtices aforeſaid. And the ſaid Commiſſioners or Juſtices are hereby empowered to order every perſon who ſhall go on board any ſuch veſſel, to remain there for ſuch length of time as they may think proper, and if they diſobey ſuch order they ſhall be liable to pay the ſum of fifty pounds.

Commiſſioners power to have apprehended any perſon leaving a veſſel performing quarantine, &c.

IV. *And be it further enacted by the authority aforeſaid*, That the Commiſſioners or Juſtices aforeſaid ſhall, and they or a majority of them reſpectively are hereby empowered, to iſſue their warrant to any Sheriff or other lawful officer, commanding him to take the body of any perſon that may have left any veſſel ordered as aforeſaid to ride quarantine, and carry or cauſe to be carried him or her on board of ſaid veſſel. And the ſaid officer is hereby empowered to ſummon ſuch perſons to aſſiſt him in the execution of ſaid warrant as he may think fit.

Pen. for landing goods, &c. contrary to orders.

V. *And be it further enacted*, That if any maſter of a veſſel ordered to ride quarantine, ſhall convey, cauſe, or permit to be conveyed any article or articles of goods, wares and merchandiſe from on board his veſſel, on any other land, or in any other boat or veſſel than the ſaid Commiſſioners or Juſtices ſhall authoriſe, he ſhall be liable to pay the ſum of one hundred pounds for each and every offence. And any other perſon ſo conveying or cauſing to be conveyed any article or articles as above mentioned, ſhall be liable to the like penalty in like manner.

Maſter to give a ſtate of the health of the crew, &c. if required.

VI. *And be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners or Juſtices may, whenever they think proper, require from any maſter of a veſſel, on his arrival in this ſtate, to declare on oath the ſtate of the health of himſelf, crew and paſſengers, and of the place from whence he came. And if any maſter ſhall give a falſe declaration, or any phyſician ſhall wilfully give a falſe certificate of the health of the perſons on board any veſſel ſo entitled, he ſhall forfeit and pay the ſum of one thouſand pounds.

Veſſels to be furniſhed with proviſions, &c.

VII. *And be it further enacted*, That the Commiſſioners or Juſtices are hereby empowered and directed to furniſh any veſſel ordered to ride quarantine as aforeſaid with a ſufficient quantity of good wholeſome proviſions, for the expence of which the maſter, veſſel and cargo ſhall be liable.

ines how recoverable.

VIII. *And be it further enacted*, That all fines, penalties and forfeitures herein mentioned, ſhall be recovered by action of debt in any court having cognizance thereof, one half to the informer, the other half to be applied to the repairing public wharves, docks, and clearing the channel of any port where the ſame ſhall be recovered. *Provided nevertheleſs*, That this act ſhall not commence and be in force until the firſt day of April next.

When this act in force.

Repealing clauſe.

IX. *And be it further enacted*, That all laws, clauſes and parts of laws heretofore made, that come within the meaning and purview of this act, be and the ſame are hereby repealed and made void.

1793.

CHAP. IV. *An Act to alter and amend the act for the benefit of Insolvent Debtors.*

1773, 4, 262.

WHEREAS by the first and seventh sections of an act of the General Assembly of North-Carolina, entitled, "An act for the relief of insolvent debtors, with respect to the imprisonment of their persons," it is provided that debts and judgments against persons having taken the benefit of the said act shall be held to be fully satisfied, and that no execution whatever shall by virtue thereof issue against any estate which such insolvent debtor or debtors may afterwards acquire: And whereas it hath been experienced that the said sections are frequently productive of inducing fraudulent conveyances, to the injury of just creditors, and appear to this General Assembly against good morals:

Part of former act repealed.

Execution may issue against any estate afterwards acquired by an insolvent debtor.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the aforesaid parts of the recited sections of the act aforesaid shall be and are hereby repealed and made void, so far as the said debts and judgments are by said act declared discharged and satisfied, and that from and after the passing of this act, execution may issue against any estate afterwards acquired by such insolvent debtor or debtors taking the benefit of said act, any law, custom or usage to the contrary notwithstanding.

CHAP. V. *An Act to extend the right of trial by jury to slaves.*

In what cases slaves are entitled to trial by jury. &c.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That in all cases hereafter happening, where any slave shall be accused of an offence, the punishment whereof shall extend to life, limb, or member, such slave shall be entitled to trial by jury, on oath, consisting of twelve good and lawful men, owners of slaves, in a summary way, and in open court of the county wherein such offence was committed. *Provided nevertheless,* That if the court of the county shall not meet within fifteen days from the time of commitment, the Sheriff of the county shall and may summon three Justices of the Peace of the said county, and a jury of good and lawful men, owners of slaves, who shall have as full and ample power and authority to try and pass sentence on any slave accused and brought to trial before them, as the county court might or could have by virtue of this act. *And provided always,* That the said jury and three Justices shall not be connected with the owner of such slave, or the prosecutor, either by affinity or consanguinity.

See 2, 1794.

Owner to have notice of his trial.

II. *And be it further enacted,* That when a slave shall be apprehended for any offence, the punishment whereof may affect life, member, or limb, it shall be the duty of the Sheriff, and he is hereby required to serve the owner of such slave, if known, with notice of trial ten days previous thereto (which notice shall be proved to the court in order that the owner may have an opportunity of defending the said slave; and the costs of said notice, and all other costs attending the trial of any slave so apprehended, where the owner or owners shall be known, shall be paid by the said owner or owners, *provided* the said slave, if a freeman, would be liable to the payment thereof. And in case of refusal to pay the same, process may issue from the Clerk of the court to compel payment, in the same manner as for other costs.

To pay all costs, &c.

How recovered.

Slave to be allowed counsel by the court where his master is unknown, &c.

III. *And be it further enacted,* That when the owner of any slave to be tried by virtue of this act, shall not be known, or cannot be discovered or ascertained, or shall reside out of this state, it shall and may be lawful for the court, and they are hereby authorized and required, to appoint counsel to appear for and in behalf of the prisoner, who shall be allowed the same fees as the Attorney for the State is allowed for criminal prosecutions. After which they may proceed to trial in the same manner as if the owner had been notified agreeable to the directions of this act, in which case the fees for the Counsel, Clerk and Sheriff, shall be paid by the county in which the court is held in the same manner as other county charges.

CHAP. VI. *An act more effectually to provide against corrupt elections of Members of the General Assembly and Sheriffs, and to direct when Justices shall qualify.*

Persons declared ineligible to a seat in the General Assembly, &c.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That no person who heretofore hath been, or hereafter may be receiver of public money, and shall not have fully accounted for and paid into the treasury all such sums for which he may be accountable or liable before the day of the annual election, shall be eligible, or

take a ſeat in either houſe of the General Aſſembly. And any perſon ſo indebted offering himſelf a candidate, or if elected without offering preſuming to appear at any Aſſembly to claim his ſeat therein, ſhall for each and every offence forfeit and pay the ſum of one hundred pounds, to be recovered by action of debt, one half to the uſe of the informer, and the other half to the uſe of the ſtate.

Penalty on perſon attempting to deſtroy an election by force, &c.

II. *And be it further enacted*, That if any perſon ſhall by force and violence break up any election, by aſſaulting the officers thereof, or depriving them of the ballot boxes, ſuch perſons, their aiders and abettors, ſhall be adjudged guilty of a miſdemeanor, and upon conviction ſhall ſuffer three months confinement in gaol, there to remain without bail or mainprize, and until he pays ſuch fine as the court before whom ſuch conviction is made ſhall judge, not exceeding fifty pounds, and all coſts and charges.

Juſtice giving in his vote, &c. to elect himſelf Sheriff what penalty liable to, &c.

III. *And be it further enacted*, That no Juſtice of the Peace, being a candidate for the office of a Sheriff of his county, ſhall be permitted to vote or ſit on the bench at the election; and if any Juſtice of the Peace ſhall hereafter preſume to ſit on the bench or vote on ſuch election, he ſhall forfeit and pay for every offence the ſum of fifty pounds, to be recovered by action of debt, one half to the perſon ſuing for the ſame, the other half to the uſe of the county; and his vote ſhall not be counted.

Appointment of a Juſtice removing out of the county declared void. Pen. for acting after removal.

IV. *And be it further enacted*, That where any Juſtice of the Peace hath removed himſelf, or ſhall hereafter remove himſelf out of the county for which he was appointed, into any other county of the ſtate, and ſhall not return within twelve months to reſide therein, ſuch appointment ſhall be null and void; and in caſe any ſuch Juſtice ſhall in any manner preſume to act in the county for which he was appointed after ſuch removal, unleſs re-appointed by the General Aſſembly, he ſhall forfeit and pay for every offence the ſum of fifty pounds, to be recovered by action of debt, and applied one half to the uſe of the ſtate, and the other half to the uſe of the perſon ſuing for the ſame.

When Juſtices are to qualify, &c.

V. *And be it further enacted*, That any perſon heretofore, or who ſhall hereafter be appointed a Juſtice of the Peace in any county within this ſtate, and ſhall not qualify within twelve months after ſuch appointment, ſuch perſon ſhall not be allowed or admitted to qualify after the time above mentioned is elapſed, unleſs re-appointed by the General Aſſembly.

CHAP. VII. *An Act for the more ſpeedy and effectual collection of the arrears of taxes, and of other monies and certificates now due, or which ſhall hereafter become due and payable to the ſtate.*

Collectors of arrears to be appointed,

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That two or more perſons be appointed by the Treaſurer, who ſhall be called and known by the name of collectors of arrears, give bond with ſufficient ſecurity in the ſum of twenty thouſand pounds each, payable to the Governor for the time being for the uſe of the ſtate, conditioned for the faithful accounting for and payment of all monies and certificates due or becoming due to the ſtate, which ſhall come into their hands or be collected by either of them in conſequence of their appointment as aforeſaid, who ſhall have ridings aſſigned them by the Treaſurer, and whoſe duty it ſhall be to receive and take charge of all executions iſſuing on judgments obtained or which ſhall be hereafter obtained by the Treaſurer in behalf of the ſtate, to carry or cauſe them to be carried to the counties within their reſpective ridings where the debtors or their ſecurities reſide, to ſee that they are properly levied, by ſhewing or pointing out to the Sheriffs the property deemed liable to be levied on, be the ſame in whoſe poſſeſſion it may, and by enquiring into and purſuing all legal means of detection and recovery in every caſe of ſuggeſted fraud; and it ſhall alſo be the duty of the collectors to attend all ſuch ſales in their reſpective ridings, and to enforce the ſame; they ſhall likewiſe take charge of the net amount of all monies and certificates ariſing from the ſales, and pay them into the public treaſury, firſt endorſing a receipt on the back of the execution expreſſing in words written at full length the amount of the ſame, which execution ſhall be left with the Sheriff, and ſhall by him be returned to the Clerk of the court from whence it iſſued, on the firſt or ſecond day of the term next following the day on which ſuch ſale ſhall have been made as aforeſaid; and for their ſervices therein they ſhall ſeverally be entitled to have and receive a commiſſion of eight per centum on the amount of the caſh and certificates by them paid into the treaſury, which ſhall be deemed a compenſation in full.

To give bond and ſecurity, &c.

Their duty.

And pay.

To make return on oath of their tranſactions to the Treaſurer, &c.

II. *And be it further enacted*, That each of the collectors of arrears ſo appointed, ſhall return to and file with the public Treaſurer a minute and accurate written account or ſtatement on oath, con-

1793.

taining all their deeds and tranſactions in regard to the collecting arrears of monies and certificates as aforeſaid; which account or ſtatement ſhall be by the Treaſurer laid before the General Aſſembly, at their annual meetings: And each of the ſaid collectors ſhall make return of the ſtatement aforeſaid, ſettle his account with the Comptroller, (the ſame being checked by the returns on the executions) and finally and fully pay up and account with the Treaſurer for all monies and certificates received or which ought to have been received by him in virtue of his appointment as collector, on or before the firſt day of November in each year, on pain of forfeiting all commiſſions to which he would have been entitled had he done his duty, and of being proceeded againſt in like manner as is by law directed in caſe of the failure of Sheriffs; and any collector failing to render an account or ſtatement, ſettle, pay and account as aforeſaid, ſhall thenceforward be conſidered as having forfeited his appointment as collector of arrears, and he and his ſecurities ſhall be proceeded againſt accordingly, without further notice.

Time limitted to complete a ſettlement with the Treaſurer, &c.

How executions are to iſſue where delinquents and their ſecurities reſide in different counties.

III. *And be it further enacted*, That in all caſes where judgments have been or ſhall be obtained againſt delinquent Sheriffs, and others in arrear to the ſtate, and where it ſhall ſo happen that the principal and his ſecurities do not all reſide in the ſame county, it ſhall and may be lawful for the Clerks of the courts, on application of the Treaſurer, to iſſue executions from time to time to any one of the counties in which either of the parties reſide, or in which their property may be found, any law, cuſtom or uſage to the contrary notwithſtanding.

In what manner collectors are to proceed in certain caſes.

IV. *And be it further enacted*, That the collectors aforeſaid, in all caſes where thoſe in arrear and their ſecurities have removed themſelves out of the limits of this ſtate, or become inſolvent, in all caſes where no bond and ſecurity hath been given for the accounting for the public taxes or other public dues, and in all caſes where Sheriffs or other public debtors have been diſcharged from payment by any decree or judgment of the courts, and where there ſtill remains a balance unpaid and due to the ſtate, ſhall make diligent ſearch and enquiry, as well for property fraudulently ſold, conveyed or concealed, as to inform themſelves whether there does not ſtill remain in the hands of thoſe formerly employed in collecting taxes or other monies, balances of the monies and certificates by them collected which are yet unaccounted for; and to this end they ſhall have power, and are hereby authoriſed, to call on the Clerks of any of the courts of this ſtate for copies of ſuch part of their record or papers as may tend to the diſcovery and detection aforeſaid; and ſuch information and proofs having obtained, they ſhall lay the ſame before the Treaſurer, who ſhall proceed in the ſame manner againſt ſuch delinquents as though they were Sheriffs, and ſhall on motion be entitled to judgment againſt them and their ſecurities accordingly.

Clerks of Courts to furniſh them with copies of records, &c. if required.

How to proceed againſt Clerks refuſing ſuch copies, &c.

V. *And be it further enacted*, That in caſe of the neglect or refuſal of any of the Clerks of the courts in this ſtate to furniſh to the collectors aforeſaid ſuch tranſcripts and copies of the records as aforeſaid; it ſhall be the duty of the collector to make report of ſuch neglect or refuſal to the court of the county at the next ſucceeding term, who ſhall examine and enquire into the cauſes of ſuch neglect or refuſal; and on ſuch examination and enquiry being had, in caſe it ſhall appear to the ſatisfaction of the court that ſuch tranſcripts or copies were refuſed or withheld without juſt cauſe, or that they were ſo refuſed and withheld from ſiniſter motives and with intent to conceal or defraud, then and in that caſe the court ſhall direct a proſecution to be commenced by the county Solicitor for the ſaid offence, and upon conviction ſuch clerk ſhall be removed from office, and another appointed in his place accordingly.

What liable to if convicted of refuſing from fraudulent motives.

Property of delinquents, &c. to be levied on for collectors fees.

VI. *And be it further enacted*, That if any revenue or other public officer ſhall hereafter become indebted and in arrear to the ſtate, ſo that judgment ſhall be thereupon had againſt him, then and in that caſe it ſhall be lawful for the Sheriff or other officer to whom the writ of execution ſhall iſſue in conſequence of ſuch judgment, and he is hereby required, to levy on and ſell ſo much of the property of ſuch delinquent officer or his ſecurities, over and above the amount of the debt due the ſtate, as ſhall be ſufficient to pay and ſatisfy the commiſſion of eight per centum given by this act to the collectors of arrearages aforeſaid, together with the coſts of ſuit.

Sheriffs neglecting or refuſing to do their duty,

Collectors may perform it, and receive their fees.

VII. *And be it further enacted*, That in caſe it ſhall at any time ſo happen, that the Sheriffs of this ſtate or any of them ſhall refuſe to attend the collectors when called on for that purpoſe, in ſearch of goods and chattels, lands and tenements, proper to be levied on, or ſhall fail or refuſe to appoint the time of any intended ſale, to advertiſe the ſame, and to attend and do his duty on the day appointed, or in caſe they or any of them ſhall fail to do and perform the ſeveral duties by law required of them; then and in that caſe it ſhall and may be lawful for the collector to demand of the Sheriff ſo

failing in duty, the execution or executions on behalf of the ſtate committed to his or their care, and to proceed to levy, make ſale and return the ſame, in like manner as though he were ſheriff; and for his ſervices in ſo doing, he ſhall be entitled to the ſame fees and commiſſions as Sheriffs.

Penalty on collectors guilty of malpractice in office, &c.

VIII. *And be it further enacted* That in caſe any of the collectors appointed, or who may be hereafter appointed under the authority of this act, ſhall at any time be guilty of extortion or other malpractice in office, tending to the injury of any citizen, he or they ſo offending, and being thereof convicted, ſhall forfeit and pay to the party injured the ſum of five hundred pounds, to be recovered in any of the Superior Courts or County Courts of Pleas and Quarter-Seſſions of this ſtate, and ſhall thereafter be held and deemed unworthy of the appointment of collector, or of any office or appointment of profit or truſt in this ſtate.

Public debtors may pay up their arrears in certificates.

IX. *And be it further enacted*, That from and after the paſſing of this act it ſhall and may be lawful for any perſon, being a public debtor and owing caſh to the ſtate, to diſcharge and pay off his debt or balance, or delivering to the Treaſurer the amount of ſuch debt or balance in any of the certificates iſſued under the authority of this ſtate, and which are at preſent receivable at his office, (thoſe commonly called weſtern or Chickamagow certificates, thoſe iſſued at Warrenton in one thouſand ſeven hundred and eighty-ſix, and thoſe iſſued by Patrick Travis, Commiſſioner of Cumberland county, excepted) calculating both principal and intereſt; all certificates iſſued for currency, being eſtimated agreeably to the ſcale of depreciation, and not as heretofore rated and received, and bearing intereſt: *Provided*, That no perſon ſhall be entitled to this indulgence unleſs he or they avail themſelves of the permiſſion hereby granted, on or before the firſt day of July, which ſhall happen in the year one thouſand ſeven hundred and ninety-four. *And provided further*, That no revenue officer ſhall avail himſelf of the benefit of the mode by this act pointed out for receiving currency certificates, except he maketh oath that he is the original holder, or hath received the ſame for ſuch value in the collection of taxes for lands or confiſcated property.

Proviſoes.

The delinquency of any officer deemed ſufficient notice for taking Judgment, &c.

X. *And be it further enacted*, That for the future no citation or other warning ſhall he required or held neceſſary, preparatory to the taking judgment againſt any delinquent revenue officer, but the delinquency of all ſuch officers ſhall be, and the ſame is hereby declared to be held and deemed good and ſufficient notice, and ſhall be ſo conſidered by the courts in this ſtate, as well for the officers themſelves as for their ſecurities; and on all motions of the Attorney or Solicitor-General in behalf of the ſtate, for arrears of taxes or other monies or certificates due the ſtate, judgments ſhall be granted as well againſt the principals as their ſecurities, without further notice accordingly.

CHAP. VIII. *An Act directing the manner of proceeding againſt the ſeveral officers therein mentioned.*

Perſons injured by the miſconduct of public officers, what remedy entitled to.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That it ſhall and may be lawful for any perſon or perſons injured by the neglect, miſconduct or miſbehaviour in office of any of the Clerks of the Superior or County Courts, Clerks and Maſters in Equity, Regiſters, Entry-takers, Surveyors, Sheriffs or Conſtables, to inſtitute a ſuit or ſuits againſt the ſaid officers or any of them and their ſecurities, upon their reſpective bonds for the due performance of their duties in office, in the name of the perſon or perſons to whom the ſaid bonds are made payable, without any aſſignment thereon.

To receive all monies recovered from any officer by whom they have been injured to their own uſe. Proviſo.

II. *And be it further enacted*, That the perſon or perſons ſo injured and bringing ſuit as aforeſaid, ſhall be and are hereby declared to be entitled to receive to his, her or their own uſe all monies ſo recoverable, in like manner as if the ſuit or ſuits had never been inſtituted in his, her or their own name or names on aſſignment as heretofore required; *provided* the perſon or perſons ſo injured and bringing ſuit as aforeſaid ſhall ſtate in the declaration, as he, ſhe or they are hereby authoriſed to do, matter of inducement ſufficient to ſhew the court (in which ſuch ſuit or ſuits may be brought) at whoſe inſtance and in whoſe behalf the ſame is or are brought.

May bring an action on the caſe or an action of debt.

III. *And be it further enacted*, That any perſon or perſons injured as aforeſaid, by any of the officers aforeſaid, may at his, her or their elections bring an action on the caſe againſt ſuch officer or officers, and recover damages for his, her or their injury as aforeſaid, or an action of debt as above directed.

Officers to renew their bonds, &c.

IV. *And be it further enacted by the authority aforeſaid*, That all Clerks of the Superior and County Courts, Clerks and Maſters in Equity, Regiſters, public Inſpectors and Surveyors, ſhall and they are hereby required to renew their ſeveral bonds for the faithful diſcharge of their duties in office,

1793. with good and ſufficient ſecurities, at the ſeveral and reſpective courts wherein they have their appointment which ſhall be held after the firſt day of June next enſuing, and once in every three years always thereafter. And it is further declared, that all ſuch of the ſaid officers as ſhall refuſe or neglect to renew their reſpective bonds at the times before mentioned, and to give other and better ſecurities when judged neceſſary by the ſaid courts, ſhall be conſidered as having forfeited their reſpective offices. And the ſeveral courts which have the appointment of ſuch officer or officers ſo refuſing or neglecting as aforeſaid, ſhall and they are hereby required to proceed to the appointment of others in the place or places of him or them ſo refuſing or neglecting.

on pain of forfeiting their offices.

Court to appoint others inſtead of thoſe refuſing as aforeſaid.

V. *And be it further enacted*, That when any Conſtable or Conſtables in any county within this ſtate, ſhall or may have received any money in virtue of his office or appointment as Conſtable, and ſhall fail to pay the ſame to the perſon or perſons entitled to receive it, that then and in that caſe it ſhall and may be lawful, upon motion made in the court of the county in which ſuch Conſtable reſides, for ſaid court to give judgment againſt ſaid Conſtable or Conſtables, and his or their ſecurities for all ſum or ſums of money ſo received and collected, together with coſts, and to award execution thereon in the ſame manner as other executions iſſuing from ſaid court, *provided* ſuch Conſtable haſten days previous notice of ſuch motion. And where it ſhall ſo happen that any perſon's appointment as Conſtable ſhall expire, or he ſhall be removed from his office or appointment before ſuch motion made, the ſame remedy, proceedings and relief ſhall and may be had againſt him as if ſuch perſon was actually in office, any thing to the contrary notwithſtanding.

Proceedings againſt Conſtables failing to account for monies received in virtue of their office. Proviſo.

Temporary.

CHAP. IX. *An Act for raiſing a revenue for the payment of the civil liſt and contingent charges of government for the year one thouſand ſeven hundred and ninety-four.*

CHAP. X. *An Act for claſſing the Juſtices, for the purpoſe of holding the ſeveral County courts of Pleas and Quarter-Seſſions in this ſtate.*

Juſtices to arrange themſelves into claſſes of five in each claſs.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Juſtices of the ſeveral counties in this ſtate, ſhall at the firſt term of their reſpective courts, which ſhall happen after the twentieth day of March next, arrange themſelves into claſſes, of five Juſtices at leaſt in each claſs, which claſſes ſhall be made in ſuch manner as the Juſtices of their reſpective counties may direct.

Their duty when ſo formed.

II. *And be it further enacted*, That the Juſtices of the ſeveral claſſes in each county, when claſſed as aforeſaid, ſhall reſpectively at their formation, appoint a chairman, and be numbered, and it is hereby declared to be the expreſs duty of at leaſt three of the Juſtices of the firſt claſs, to hold the firſt court that may happen in their reſpective counties, and the ſecond claſs the ſecond court, and ſo on in rotation: *Provided always*, That in caſe it ſhall be neceſſary, or any one or the whole of the Juſtices in any county ſhould think proper, that nothing herein contained ſhall debar or be conſtrued to debar the ſaid Juſtices or any of them from ſitting on the bench at any of the courts held for his or their reſpective county.

Proviſo.

Juſtices dying, &c, Court to order the claſſes anew.

III. *And be it further enacted*, That in caſe any of the Juſtices forming any of the claſſes as aforeſaid, in any county in this ſtate, ſhall die, remove, reſign or be rendered incapable of holding their office, that the Juſtices of ſuch county ſhall at their next court thereafter aſſemble and arrange their claſſes anew, ſo as to keep up the number of five Juſtices at leaſt in each claſs.

1789, 20, 673.

CHAP. XI. *An Act to repeal part of the fifth ſection of an act of the General Aſſembly, paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-nine, entitled, "An act to eſtabliſh an Univerſity in this ſtate."*

Part of an act repealed.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That ſo much of the ſaid fifth ſection of the before recited act, as authoriſes the Treaſurer of the univerſity to pay ſuch money as may come into his hands into the ſtate treaſury, and from ſuch fund to draw an intereſt of ſix per cent. be and the ſame is hereby repealed and made void, any thing to the contrary notwithſtanding.

CHAP. XII. *An Act to authoriſe the ſeveral County Courts in this ſtate to eſtabliſh inſpections at ſuch places as they may think proper in their reſpective counties.* 1793.

County courts authoriſed to eſtabliſh places of inſpection. To appoint inſpectors.

Their duty and privileges.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſeveral county courts in this ſtate be and they are hereby authoriſed, to appoint ſuch place or places of inſpection in their reſpective counties as they may think neceſſary, proper and convenient; and to appoint one or more Inſpectors for ſuch place or places, whoſe duty it ſhall be to inſpect ſuch article or articles as by law are required, which are or may be brought to his place of inſpection for that purpoſe; which Inſpectors, when ſo appointed, ſhall take the ſame oaths, and be ſubject to the ſame rules, regulations and reſtrictions, and be entitled to the ſame benefits and emoluments, as directed by the ſeveral acts of Aſſembly in force in this ſtate, any law to the contrary notwithſtandin &c.

CHAP. XIII. *An Act to repeal an act paſſed in the year one thouſand ſeven hundred and eighty-ſeven, entitled, "An act directing the duty of naval-officers, and of all maſters of veſſels coming into any of the ports or inlets of this ſtate."* 1787, 9, 612.

WHEREAS doubts exiſt how far the above recited act is ſuperſeded by the adoption of the federal conſtitution by this ſtate:

Act repealed.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſaid above recited act ſhall be and the ſame is hereby repealed and made void, any thing to the contrary notwithſtanding.

CHAP. XIV. *An Act to amend an act, entitled, "An act to compel certain officers therein mentioned to publiſh the application of public money and allowances for inſolvents."* 1786, 16, 587. 1792, 3, 43.

WHEREAS the before recited act does not deſcribe in what manner the Sheriff ſhall ſettle and pay thoſe who are holders of county claims, neither does it point out a regular method whereby the county Truſtees ſhall and may ſettle with the Sheriff; whereby many good citizens, having juſt claims for county money, are delayed of obtaining their right:

Clerk of the County Court to number all claims againſt the county.

To furniſh the Chairman of the Court with a copy annually, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, it ſhall be the duty of all Clerks within the reſpective counties of this ſtate, which if the ſame ſhall be thought adviſeable or neceſſary and ſo ordered by the county court, to number all claims, orders and certificates that they may be allowed by the court in which he or they act, in a book kept for that purpoſe; and ſhall annually, the day before the county court's proceeding to lay a county tax for the enſuing year, furniſh the Chairman of the court with a copy of the ſame; likewiſe ſhall inſert the different allowances agreeable to number in the tax liſt that ſuch Clerk or Clerks ſupplies the Sheriff or Collector with, in order that the ſame may be collected and paid according to their number and priority.

County Truſtee how to ſettle, &c.

II. *And be it further enacted*, That the county Truſtee ſhall only ſettle with the Sheriff or Collector of public taxes according to number, beginning at the loweſt number; and where there is no Truſtee in the county, the county court may and ſhall proceed to ſettle with their Sheriff or Collector of public taxes in the like manner.

Penalty on Clerk neglecting any duty enjoined by this act, &c.

III. *And be it further enacted*, That any county Clerk neglecting or refuſing to perform any part of the duty enjoined by this act, he ſhall forfeit and pay the ſum of ten pounds for every ſuch offence, recoverable before any juriſdiction having cognizance thereof, one half to the uſe of any perſon who may commence ſuit for the ſame, the other half to be applied towards defraying the county tax.

Court to allow him for his ſervices.

IV. *And be it further enacted*, That when any county court ſhall ſo direct their Clerk to record and number the county claims as aforeſaid, ſuch county court ſhall and may allow the Clerk for all ſuch ſervices, annually, any ſum not exceeding forty ſhillings.

1793.

CHAP. XV. *An Act to amend an act for aſcertaining the duties and ſalary of the public Printer, and to repeal part of the ſeventh ſection of an act paſſed at Edenton, in the year one thouſand ſeven hundred and twenty-nine, entitled, "An additional act to an act for appointing toll-books, and for preventing any perſon from driving horſes, cattle or hogs to other perſons lands."*

1785, 27, 464.
1729, 5, 51.

County Court Clerks duty as to the diſtribution of the laws and journals.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, it ſhall be the duty of the ſeveral Clerks of the county courts within this ſtate, to apply to the ſeveral Superior court Clerks for the acts and journals of the General Aſſembly, and ſee that they are furniſhed in the ſeveral counties agreeable to law, who ſhall be allowed by the county court for the ſame.

Penalty for neglect.

II. *And be it further enacted,* That if any Clerk ſhall refuſe or neglect to do his duty as by this act preſcribed, he ſhall forfeit and pay the ſum of ten pounds, to be recovered before any juriſdiction having cognizance thereof, any thing to the contrary notwithſtanding.

Directions concerning the printing of the laws.

III. *And be it further enacted,* That the printer or printers of the ſtate ſhall and they are hereby required to print the public laws ſeparate from the laws of a private nature, leaving a blank page between the public and private laws, and that they likewiſe print in the margin of each page the year in which the law was paſſed.

Secretary to collect a liſt of the fees, &c. of public officers in this ſtate, &c.

IV. *And be it further enacted,* That the Secretary ſhall cauſe to be collected from the laws of this ſtate and of the United States, a complete liſt of all the fees that are demandable by any officer in the ſtate for any ſervice he is to perform, alſo the ſalary of each officer for the preſent year, and to furniſh the public printer with the ſame, which the printer is directed to publiſh with the laws paſſed at this ſeſſion.

Part of an act repealed.

V. *And be it further enacted,* That from and after the paſſing of this act, that all that part of the ſeventh ſection of the before recited act, as authoriſes a Juſtice of the Peace to order a white perſon to be whipped for certain cauſes therein mentioned, be and the ſame is hereby repealed and made void.

CHAP. XVI. *An Act to amend ſuch parts of the act, entitled, "An act for eſtabliſhing Courts of Law, and for regulating the proceedings therein," as may relate to proceedings on attachments; and for amending an act for making proceſs in equity effectual againſt perſons who abſcond and who reſide without the limits of the ſtate, and for better regulating the proceedings in the Court of Equity.*

2, 1777, 2, 226.
1787, 23, 622.

WHEREAS it often happens that garniſhees, as well on original as judicial attachments, declare that they have in their hands property of the defendant or defendants of a ſpecific nature: And whereas by the before recited act no proviſion is made for aſcertaining the value of ſuch ſpecific property, ſo as to enable the party plaintiff, where he ſhall have made his recovery, to ſue out execut on for the ſame: For remedy whereof,

Property of a ſpecific nature in the hands of a garniſhee how to be valued, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, whenever any garniſhee ſhall on oath confeſs that he or ſhe has in his or her hands any property of the defendant of a ſpecific nature, or is indebted to ſuch defendant by any ſecurity or aſſumption for the payment or delivery of tobacco or other ſpecific article, then, in either of thoſe caſes, the court before whom ſuch garniſhment ſhall be made ſhall immediately order a jury to be impanelled and ſworn, to enquire of the value of ſuch ſpecific property, and the verdict of ſuch jury ſhall ſubject ſuch garniſhee to the payment of ſuch valuation, or ſo much thereof as ſhall be ſufficient to ſatisfy the debt or damages, and coſts of the party at whoſe inſtance ſuch garniſhee ſhall have been ſummoned. *Provided always,* That ſuch garniſhee who may on oath confeſs that he or ſhe has in his or her hands any ſpecific property of the defendant, as left or depoſited in his or her poſſeſſion by ſuch defendant, may always exonerate him or herſelf by delivering ſuch property to the Sheriff, who levied ſuch attachment, or may levy the execution iſſued thereon; and the party ſuing out ſuch attachment, ſhall not be at liberty to iſſue ſuch execution againſt ſuch garniſhee until the court next following ſuch garniſhment.

How a garniſhee may exonerate himſelf, &c.

Proceedings where a garniſhee denies that he has property of a defendant, &c.

II. *And be it further enacted,* That when any garniſhee ſhall be called into Court, and on his or her garniſhment ſhall deny that he or ſhe owes to or has in his or her hands any property of the defendant, and the party plaintiff in ſuch attachment ſhall on oath ſuggeſt to the Court that ſuch garniſhee owes to or has property in his or her hands belonging to the defendant, or when any garniſhee

ſhall on his or her garniſhment make ſuch a ſtatement of facts that the Court before whom ſuch garniſhment ſhall be made cannot proceed to give judgment thereon, then, in either of thoſe caſes, the Court ſhall ordain an iſſue to be made up, which ſhall be tried by a jury, and the Court ſhall give judgment on their verdict as in other caſes.

Proceedings where an attachment is levied on property claimed by another perſon, &c.

III. *And be it further enacted*, That when any perſon ſhall ſue out an attachment, and the ſame ſhall be levied on property which ſhall be claimed by any other perſon, ſuch claimant ſhall be at liberty to interplead, firſt giving ſecurity for ſuch coſts and damages as may be awarded againſt him, and ſhall at the ſame time file a petition in writing, ſetting forth the particular property claimed, and by what right or title he claims the ſame, a copy of which petition ſhall be ſerved on the party ſuing out ſuch attachment at leaſt ten days before the next court; and at the Court to which the return of ſuch petition ſhall be made the Court ſhall order a jury to be impanelled, to enquire in whom the property is of ſuch article or property as may be ſo levied upon, and the finding of ſuch jury ſhall be concluſive as to the parties then in court, and the court ſhall adjudge accordingly.

Where ſuits on attachment ſhall be returnable before a Juſtice, &c.

IV. *And be it further enacted*, That in all ſuits commenced by attachment, which ſhall be returnable before a Juſtice of the Peace, the Juſtice to whom ſuch attachment ſhall be returned ſhall ſtay all proceedings thereon for the ſpace of thirty days, unleſs the defendant to ſuch ſuit by attachment, his agent or attorney, ſhall replevy the goods, chattels or property ſo attached.

How to proceed againſt perſons conveying away their property to avoid the payment of an execution, &c.

V. And whereas frauds are frequently committed on executions, in order to prevent the recovery of the honeſt creditor: *Be it therefore enacted*, That when the Sheriff of any county in this ſtate, returneth on the execution in his hands that there is no property to be found belonging to the defendant in his county, and it is ſuggeſted by the plaintiff that the defendant hath fraudulently made away with his property, for the purpoſe of avoiding the payment of the execution, notice in the nature of a ſcire facias, on motion of the party plaintiff, ſhall be directed by the court to iſſue to the perſon or perſons in whoſe hands ſuch property is ſuppoſed to be held, and on return of the ſaid ſcire facias, executed as other original proceſs, an iſſue ſhall be made up whether any fraud or concealment of his property hath been made by the defendant to the perſon cited or noticed, or whether the ſame hath been made over to avoid the recovery aforeſaid, without juſt and valuable conſideration; and if the jury ſhall find ſuch fraud, concealment or making over as aforeſaid, they ſhall alſo ſpecify the property ſo fraudulently concealed or made over, and execution ſhall iſſue againſt the ſame in the hands of the garniſhee or perſon notified, in the ſame manner as againſt the defendant himſelf, until the judgment ſhall be ſatisfied, ſhould ſuch property be ſufficient for that purpoſe.

Perſons entering as ſpecial bail on replevying property, liable only for the value of the property held, &c.

VI. And whereas by the preſent mode of proceedings on attachments, the perſon or perſons who enter themſelves as ſpecial bail on replevying the property, become ſpecial bail to anſwer the whole demand of the plaintiff: *Be it therefore enacted*, That the perſon or perſons entering themſelves as ſpecial bail on replevying property attached, ſhall only be held liable to anſwer the value of the property which he, ſhe or they as aforeſaid do reſpectively hold or have returned in the garniſhment, and no more, but the ſecurity replevying ſhall not avail themſelves of paying the value of the property ſo replevied, unleſs ſuch ſecurity ſhall at the return term or ſeſſion move the court to impanel a jury to aſcertain ſuch value by enquiry, which enquiry the court ſhall have executed on motion made as aforeſaid, notice being given to the plaintiff in attachment, his agent or attorney, at leaſt five days before ſuch motion ſhall be made, and that in caſes coming before a Juſtice out of ſeſſion, three freeholders ſhall be ſummoned to aſſeſs and value the property on oath.

Caſes where an attachment ſhall be returned to the Court, &c.

VII. *And be it further enacted*, That in all caſes of attachment returnable before a Juſtice of the Peace, wherein the intervention of a jury as above preſcribed in this act in caſes of garniſhment made in court is neceſſary, the ſame ſhall be returned to the next court of the county in which the attachment iſſued, any law to the contrary notwithſtanding.

Proceedings where an attachment is returned to Court as levied on property of any perſon out of the diſtrict, &c. Proviſo.

VIII. *And be it further enacted*, That when any original or judicial attachment ſhall be returned to any court within this ſtate, as levied upon the goods and chattels, lands and tenements, of any perſon or perſons reſiding without the diſtrict in which ſuch atachment has been iſſued, it ſhall be the duty of the Clerk of ſuch court to cauſe the ſame by public advertiſement to be made known for three months next after the return made as aforeſaid; and until the ſaid three months ſhall have expired, it ſhall not be lawful for ſuch courts to ſuffer any final judgment to be entered upon any ſuch attachment: *Provided always*, Where ſuch proceedings on original attachments ſhall be had before a Juſtice out of ſeſſion, it ſhall be the duty of the Juſtice to direct advertiſement of the ſame for the ſpace of thirty days only.

1793.

Part of an act repealed.

IX. And whereas great complaints have been made of the charges of commiſſions on accounts allowed the Maſters in Equity in this ſtate: *Be it therefore enacted*, That ſo much of an act making proceſs in equity effectual, &c. paſſed in the year one thouſand ſeven hundred and eighty-ſeven, at Tarborough, which grants the Maſters and Clerks in Equity for a report ſtating an account, one per cent. on the amount of the account exhibited where the accounts is made five hundred pounds, and one half per cent. for all ſums over five hundred pounds, be repealed and made void; and that the Clerks and Maſters in Equity ſhall be allowed on all ſuch reports, as much as the court may in their diſcretion think adequate to the actual labor and trouble beſtowed, not exceeding in any caſe the ſum of twenty-five pounds; and the Maſter ſhall in all caſes give notice to the party liable to pay coſts, of the time that he will move the court to tax ſuch coſts as may ariſe on the reference of accounts.

Allowance to Maſters in Equity in future for certain ſervices.

CHAP. XVII. *An Act to empower the Wardens of the poor in the ſeveral counties within the ſtate, to lay a further tax for the ſupport of the poor, and for electing Wardens of the poor where none have been elected agreeably to law.*

Wardens of the poor empowered to levy a tax annually.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Wardens of the poor for the ſeveral counties in this ſtate be and they are hereby empowered to lay a tax annually, after the paſſing of this act, on the inhabitants of their reſpective counties, not exceeding one ſhilling on every poll, and four pence on every hundred acres of land, and one ſhilling on every hundred pounds value of town property, in addition to the taxes which the ſaid Wardens have been heretofore empowered to lay for the ſupport of the poor; and the taxes to be raiſed in purſuance of this act ſhall be collected, accounted for and applied in the manner heretofore preſcribed by law.

How applied.

To erect buildings when neceſſary.

And the ſaid Wardens are likewiſe empowered, when to them or at leaſt two-thirds of them in each county it appears neceſſary, to erect proper buildings in their reſpective counties for the reception, reſidence and employment of the poor.

County court to order an election for Wardens when neceſſary.

II. And whereas it ſometimes happens that an election for Wardens of the poor is omitted at the time appointed by law, whereby doubts have ariſen whether any election would be legal until the next year: *Be it enacted by the authority aforeſaid*, That in all caſes when the time of ſervice of the laſt appointed Wardens ſhall be expired, and the county court deem a new election neceſſary, it ſhall be lawful, and they are hereby required, to order an election for Wardens, which the Sheriff of the county ſhall obey and hold under the ſame rules, regulations and reſtrictions as are preſcribed by law for the regular elections.

CHAP. XVIII. *An act directing in what caſe Sheriffs ſhall ſell the eſtate of deceaſed perſons, and to repeal part of an act, paſſed in the year one thouſand ſeven hundred and twenty-three, as to the manner of adverti ſing the ſales of the eſtates of deceaſed perſons.*

1723, 10, 44.

WHEREAS doubts have ariſen in what caſes the Sheriff ſhould be employed to ſell the eſtates of deceaſed perſons, and great abuſes have taken place in conſequence thereof:

In what caſe the Sheriff may ſell the eſtates of deceaſed perſons.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, it ſhall not be held or be deemed to be the right or duty of the Sheriff to ſell or diſpoſe of the eſtate of any deceaſed perſon, except where adminiſtration may be granted to the creditor or the creditors of the deceaſed, in which caſe the Sheriff ſhall be allowed by the court, ſo as ſuch allowance does not exceed two and a half per cent. any law to the contrary notwithſtanding.

II. And whereas by an act paſſed in the year one thouſand ſeven hundred and twenty-three, entitled, "An additional act to an act, entitled, An act concerning proving wills and granting letters of adminiſtration, and to prevent frauds in the management of inteſtates eſtates," it is enacted that the executors or adminiſtrators ſhall advertiſe the ſale of the eſtates of deceaſed perſons, by affixing a copy of the whole inventory exhibited by them, at the court-houſe door of the precinct, during the court's ſitting: And whereas this act hath been in many parts of this ſtate diſuſed, and hath been found unneceſſary and inconvenient: *Be it therefore enacted*, That ſo much of the ſaid recited act as ſhall require executors or adminiſtrators to affix a copy of the inventory to advertiſement of ſale, ſhall be and the ſame is hereby repealed and made void.

Part of an act repealed.

CHAP. XIX. *An Act for limitting what value ſuits may be commenced in the Superior Courts.* 1793.

2, '77, 2, 296.

WHEREAS by an act of Aſſembly paſſed in the year one thouſand ſeven hundred and ſeventy-ſeven, it was enacted that no ſuit ſhould be inſtituted in any Superior Court where the parties reſided in the ſame diſtrict for leſs than one hundred pounds, and when in different diſtricts fifty pounds, and the Judges having decided that the ſame was in depreciated money, and thereby the intention of the law is rendered ineffectual: For remedy whereof,

Of what value ſuits may be commenced in the Superior Court, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, no ſuit ſhall be originally commenced in any of the Superior Courts in this ſtate, for any debt or demand of leſs value than one hundred pounds, where the plaintiff and defendant live in the ſame diſtrict, or for leſs than fifty pounds, where the parties live in different diſtricts, and if any ſuit ſhall be commenced contrary to the true intent and meaning hereof, or if any perſon ſhall demand a greater ſum than is due, on purpoſe to evade this act, in either caſe the plaintiff ſhall be nonſuited and pay coſts: *Provided always,* That if the plaintiff or any other perſon for him will make an affidavit (to be filed in the court) that the ſum for which his ſuit ſhall be brought, is really due, but for want of proof, or that the time limitted for the recovery of any article, bars a recovery, then and in that caſe ſuch plaintiff ſhall have a verdict and judgment for what appears legally proved, any thing to to the contrary notwithſtanding. *Provided alſo,* That nothing herein contained ſhall extend or be conſtrued to extend to ſuits on bonds, penal bills, or other action of debt grounded on a penalty, where the balance due on ſuch bond or penal bill, or other action of debt, is not of leſs value than the ſums herein before mentioned to be limitted for bringing ſuits in the ſaid courts.

CHAP. XX. *An Act to repeal an act, entitled, "An act for laying a tonnage on veſſels for the purpoſe of deepening the Swaſh channel, near Occacock Bar."*

Act repealed. 1792, 10, 47.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the before recited act be, and the ſame is hereby declared to be repealed and made void, any thing to the contrary notwithſtanding.

CHAP. XXI. *An Act to amend and explain the fifth ſection of an act paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-nine, chapter thirty-nine, entitled, "An act to amend an act, entitled an act directing the mode of proceeding againſt the real eſtate of deceaſed debtors, where the perſonal eſtate is inſufficient for the payment of the debts."* 1789, 39, 682.

WHEREAS by the proviſo of the fifth ſection of the ſaid act, the intention of the legiſlature and the object of the law is rendered obſcure and inoperative, by the word *fieri facias* having crept therein, through the miſtake of the Clerk or the Printer:

Scire facias to be inſerted inſtead of fieri facias.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the proviſo in the fifth ſection of the ſaid act be amended, by inſerting therein the words *ſcire facias* inſtead of the words *fieri facias*: and that ſo much of the ſaid act, couched in the words *fieri facias* as aforeſaid, be and the ſame is hereby repealed and made void, any thing to the contrary notwithſtanding.

CHAP. XXII. *An Act to amend part of an act, entitled, "An act to prevent any perſon who now does, or who may hereafter, hold any office, appointment or authority under the federal government, from being eligible to a ſeat in the General Aſſembly of this ſtate, and to prevent any perſon from holding or exerciſing any office or appointment under the authority of ſaid ſtate, ſo long as they continue to hold or exerciſe any office or appointment under the authority of the United States," as relates to the Senators and Repreſentatives vacating any commiſſions they may hold as Juſtices of the Peace.* 1790, 6, 697. 1792, 11, 47.

Part of an act repealed.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid act, ſo far as it relates to the Senators or Repreſen-

1793.

tatives of this ſtate vacating any commiſſion they may hold as Juſtice of the Peace by accepting a ſeat in the Congreſs of the United States, either as Senator or Repreſentative, be and the ſame is hereby repealed and made void.

1, '84, 1, 475.

CHAP. XXIII. *An Act to compel the Entry-takers of the ſeveral counties in this ſtate to give bond and ſecurity every two years hereafter, for the faithful performance of their duty, and to repeal ſo much of an act paſſed at Hillsborough, one thouſand ſeven hundred and eighty-four, as authoriſes any perſon unwilling to pay taxes for their land to make a ſurrender of ſuch land to the ſtate, and directing ſuch perſons as have ſurrendered heretofore to deſcribe the land ſurrendered.*

County Courts required to take bond from Entry-takers for the faithful diſcharge of their duty, &c.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That it ſhall be the duty of the county courts reſpectively, and they are hereby empowered and directed, to call on the Entry-takers of their reſpective counties at the term which ſhall happen next after the firſt day of July, one thouſand ſeven hundred and ninety-four, to give bond with ſufficient ſecurity in the ſum of two thouſand pounds, payable to the Governor for the time being, and conditioned for the faithful diſcharge of his duty as Entry-taker; and no Entry-taker, who ſhall be appointed from and after the ſaid firſt day of July next, ſhall enter upon the diſcharge of his office without giving ſuch bond and ſecurity; and at the expiration of every two years thereafter, ſuch Entry-taker ſhall in the ſame manner as at firſt renew his bond with ſecurity as aforeſaid. And in caſe any Entry-taker ſhall refuſe or neglect to give bond with ſecurity, and renew the ſame as by this act required, every ſuch Entry-taker ſo refuſing is hereby declared to vacate his office, and to be ineligible to the ſecond appointment; and it ſhall be then the duty of the court of ſuch county wherein the ſaid Entry-taker reſides, to proceed immediately to the appointment of another perſon, well qualified, to fill ſuch vacancy: Alſo if the ſaid Entry-taker, or any Entry-taker within this ſtate, ſhall fail to produce a certificate from the Treaſurer, that he has paid up all monies and certificates by him received in virtue of his office to the end of the preceding year, his appointment ſhall be vacated in manner as aforeſaid. And all Entry-takers appointed to fill ſuch vacancies as by this act made, ſuch ſhall be under the ſame rules, regulations and reſtrictions as other Entry-takers within this ſtate: *Provided nevertheleſs,* That if the Entry-taker of any county ſhall produce to the court of the county a receipt in full of a final ſettlement of his accounts to the end of the preceding year, at the time he is required to renew his bond in the year one thouſand ſeven hundred and ninety-ſix, it ſhall be ſufficient. *And provided alſo,* That no public debtor ſhall be eligible to the office of Entry-taker.

Entry-taker diſplaced to deliver up his books, &c. to his ſucceſſor.

II. *And be it further enacted,* That if any Entry-taker, who by virtue of this act is diſplaced, refuſes to deliver up his books and all other papers and documents relative thereto, to his ſucceſſor in office, he ſhall for ſuch refuſal forfeit and pay the ſum of two thouſand pounds, to be recovered before any juriſdiction having cognizance thereof, to be applied to the uſe of the ſtate.

Lands ſurrendered and not particularly deſcribed a plat and deſcription thereof to be filed with the Clerk of the county, &c. under a penalty.

III. *And be it further enacted,* That where lands have been ſurrendered up to the ſtate by any perſon or perſons, under the act of the General Aſſembly paſſed at Hillſborough in the year one thouſand ſeven hundred and eighty-four, and have not been particularly deſcribed in ſuch ſurrender, the perſon ſo availing himſelf of the act aforeſaid, ſhall within twelve months after the paſſing of this act file in the office of the Clerk of the county wherein ſuch ſurrender was made, an exact plat of the land ſo ſurrendered, with a particular deſcription of the bounds and quantity thereof, under the penalty of fifty pounds, to be recovered as aforeſaid, one half to the perſon ſuing for the ſame, and the other half to the uſe of the ſtate; and that ſo much of an act of the General Aſſembly paſſed at Hillſborough, in the year one thouſand ſeven hundred and eighty-four, which authoriſes any perſon or perſons to ſurrender up their lands to the ſtate, be and the ſame is hereby repealed and made void.

Part of an act repealed.

Entry-taker to return to the Comptroller's office a fair liſt of all entries made in his office, &c.

IV. *And be it further enacted by the authority aforeſaid,* That for the year one thouſand ſeven hundred and ninety-four, and each ſucceeding year, it ſhall be the duty of each and every Entry-taker within this ſtate, to return to the Comptroller's office on or before the firſt day of October which ſhall happen after the cloſe of each year, (on pain of forfeiting for every failure or neglect the ſum of one hundred pounds, to be recovered on motion of the Attorney for the ſtate on the Comptroller's certificate ſtating the neglect or failure,) one fair liſt of all the entries made in his office in the courſe of the preceding year; which liſt ſhall contain the number and date of each entry, alſo the name of the perſon making the entry, and the number of acres entered by each; each of which returns or liſts ſhall commence on the firſt day of January, and end on the thirty-firſt day of December in the ſame year;

and where it ſhall ſo happen that an Entry-taker hath been appointed when the year was advanced, his firſt return ſhall commence with his appointment, and end at the cloſe of the ſame year.

V. *And be it further enacted*, That it ſhall not be lawful for any perſon making an entry of lands to withdraw the ſame, but all entrance monies ſhall be paid by the reſpective Entry-takers into the public treaſury, and in caſe of deficiencies when the lands entered ſhall be ſurveyed, the perſons entering may avail themſelves of the mode of relief already pointed out by law.

Perſons entering lands not to withdraw their entries, &c.

VI. *And be it further enacted*, That all acts and parts of acts, which come within the purview and meaning hereof, ſhall be and the ſame are hereby repealed and made void.

Repealing clauſe.

CHAP. XXIV. *An Act to amend an act, entitled, "An act for regulating weights and meaſures."*

1, '41, 17, 80.

WHEREAS it does appear to this General Aſſembly that the ſtandard-keepers' fees are not adequate to the trouble annexed to their appointments: Therefore,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſeveral ſtandard-keepers in this ſtate ſhall and they are hereby entitled to receive for each and every pair of ſteelyards, weights or meaſures by them ſtamped and ſealed, the ſum of one ſhilling and ſix-pence.

Standard-keepers' fees.

II. *And be it further enacted*, That all acts or parts of acts that come within the meaning and purview of this act, are hereby repealed and made void.

Repealing clauſe.

CHAP. XXV. *An Act approbating the new great ſeal of the ſtate.*

WHEREAS in purſuance of an act paſſed at Newbern in the year one thouſand ſeven hundred and ninety-one, entitled, "An act to provide a proper ſeal for the ſtate and the ſeveral courts of record," the Governor hath procured a new great ſeal for the ſtate, calculated to make an impreſſion on the face of the grant, commiſſion or other public acts with one ſide only:

1791, 13, 8.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That after the firſt day of March next, the ſaid new great ſeal ſhall be uſed for atteſting and authenticating all grants, commiſſions, proclamations, and other public acts; and the ſaid new great ſeal ſhall be good and valid, to all intents and purpoſes, as the former great ſeal hath heretofore been, any law, uſage or cuſtom to the contrary notwithſtanding. *Provided nevertheleſs*, That the former great ſeal of the ſtate ſhall and may be uſed for atteſting and authenticating grants, commiſſions, proclamations and other public acts, until the ſaid firſt day of March next, and until the ſaid new ſeal ſhall be depoſited in the Secretary's-office, and after that day ſhall be kept for the purpoſes mentioned in the fourth and laſt ſection of the above recited act.

New great ſeal approved, and when to be uſed.

Proviſo.

CHAP. XXVI. *An Act to amend an act, entitled, "An act to amend the ſeveral acts of Aſſembly which reſpect the duties of the Comptroller of the public accounts of this ſtate," paſſed December, ſeventeen hundred and ninety-two.*

1792, 18, 51.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the directions of the ſaid act with reſpect to the mode to be obſerved in keeping the public accounts of this ſtate, and which are therein confined to the taxes of ſeventeen hundred and ninety-two and the monies becoming payable in ſeventeen hundred and ninety-three, and thenceforward, ſhall from and after the firſt day of November laſt apply to and be obſerved in the keeping all public accounts reported on, or which ought to have been reported on by the Comptroller, *that is to ſay*, they ſhall apply to and be obſerved in ſtating and keeping all accounts whatever, the monies due or which became payable after the firſt day of January, ſeventeen hundred and eighty-eight, the day on which the Comptroller's reports are by the act of ſeventeen hundred and eighty-ſeven directed to commence.

Rule to be obſerved in ſtating and keeping the public accounts.

II. *And be it further enacted by the authority aforeſaid*, That the Comptroller in raiſing accounts againſt individuals in arrears under this act, ſhall charge them with the balances for which the Treaſurer claimed credit in the ſettlement of his public accounts up to the ſaid firſt day of November laſt, *that is to ſay*, up to the firſt day of November, ſeventeen hundred and ninety three, and which have

Directions in reſpect to raiſing accounts againſt individuals in arrear under this act, &c.

1793.

been reported to the General Assembly and posted up during the present session, and with such other and further sums as he shall from time to time be enabled to produce a charge against them.

CHAP. XXVII. *An Act for altering the time of holding the County Court of Pleas and Quarter-Sessions for the county of Person.*

WHEREAS the time at present for holding the County Courts of Pleas and Quarter-Sessions for the county of Person is found to be inconvenient: Therefore,

Time of holding Courts in Person county.

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of same,* That the court for the county of Person, after the passing of this act, shall be held on the first Mondays in June, September, December and March, in each and every year; to which time all matters and things in the said court depending shall stand adjourned and continued from the court which shall be next in course after the passing of this act, and shall be valid in law, any thing in any law to the contrary notwithstanding.

XXVIII. *An Act to appoint Commissioners to sell the Palace, and other buildings thereunto belonging, in the town of Newbern, for the use of the state.*

All but the third section Temporary.

1767, 4, 231.

III. AND whereas it appears to this General Assembly that lots number twenty-seven, twenty-eight, and twenty-one feet of lot number twenty-nine, and their fronts, and lots number one hundred and one, and one hundred and ninety-four, were at the time of passing an act for vesting certain lots in the town of Newbern in his Excellency the Governor and his successors, the property of Richard Dobbs Spaight, then a minor, and that he hath received no payment for the same, and that lot number one hundred and one in consequence of the above recited act hath been improved, and that twenty one feet of lot number twenty-nine lies immediately between the Palace and the river: *Be it therefore enacted by the authority aforesaid,* That when the said Richard Dobbs Spaight shall relinquish to the state his claim to lot one hundred and one, with the improvements, and twenty one feet of lot number twenty-nine, and so much of lot number one hundred and ninety-four as may be in the front of the Palace, the following lots shall be restored to the said Richard Dobbs Spaight, *to wit,* number twenty-seven and twenty, with their fronts, and lot number one hundred and ninety-four so far as does not interfere with the front of the Palace as aforesaid.

Conditions on which certain lots wil be restored to Richard D. Spaight.

CHAP. XXIX. *An Act for altering the time of holding the County Courts of Pleas and Quarter-Sessions for the county of Randolph.*

WHEREAS the time at present for holding the County Courts of Pleas and Quarter-Sessions for the county of Randolph has been found to be inconvenient:

Time of holding Courts in Randolph county.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the court of the county of Randolph, after the passing of this act, shall be constantly held on the first Mondays in February, May, August and November, in each and every year; to which time all matters and things depending in the said court shall be adjourned and continued from the court which will be next in course after the passing of this act, and shall be valid in law.

Commissioners to sell land, &c.

1792, 66, 76.

II. *And be it further enacted,* That the Commissioners appointed to carry on the public buildings, agreeable to an act passed the last year to remove the court-house, be empowered, and they or a majority of them are hereby directed, to sell two acres of the land whereon the old court-house stood, and the monies arising therefrom to apply to the use of the county in defraying the expences of the present public buildings, any thing to the contrary notwithstanding.

CHAP. XXX. *An Act to annex part of Glasgow county to Wayne county.*

Part of Glasgow annexed to Wayne county.

I. BE it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of Glasgow county, lying, situated and bounded as follows, beginning where the Wayne county line crosses th

ſouth prong of Bear-creek, then down the ſaid ſouth prong to the fork, then up the north prong to where the Wayne county line croſſes the ſame, and then with the ſaid county line to the beginning, be added to and made a part of Wayne county.

Sheriff of Glaſgow to finiſh his collection, &c.

II. *And be it further enacted*, That nothing in this act ſhall debar or be conſtrued to debar the Sheriff of the county of Glaſgow from collecting the taxes now due, or which may become due for the year one thouſand ſeven hundred and ninety-three, from the inhabitants hereby added to the county of Wayne, in the ſame manner as if this act had never paſſed.

CHAP. XXXI. *An Act to add part of Burke and Wilkes counties to the county of Iredell.*

WHEREAS it is repreſented by petition to this General Aſſembly that many of the inhabitants of Burke and Wilkes counties, would be highly benefited by being added to Iredell county:

Iredell county extended.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act Iredell county ſhall be extended in the following manner, *to wit*, beginning at Iredell county line on the Catawba-river, thence up ſaid river about three miles to Uriah Davis's, thence nearly a north courſe about two miles to the bent on lower Little-river in James Fox's land, thence up ſaid river to the lower end of John Barnes's land, thence nearly a north-eaſt courſe along the dividing ridge between Graſſy and Muddy forks to Iredell line between Black-Oak ridge and Bruſhy mountain, thence a ſouth courſe along ſaid line to the beginning; and all the land included by ſaid line is hereby annexed and added to the county of Iredell.

Sheriffs of Burke and Wilkes to finiſh their collection, &c.

II. *And be it further enacted*, That nothing herein contained ſhall debar or be conſtrued to debar the Sheriffs of the counties of Burke and Wilkes from collecting the taxes that are now due, or which may be due for the year one thouſand ſeven hundred and ninety-three, from all ſuch perſons as may by the aforeſaid line be annexed to the county of Iredell, and who are now inhabitants of Burke or Wilkes counties, any thing to the contrary notwithſtanding.

CHAP. XXXII. *An Act for adding part of the county of Martin to Edgcomb.*

WHEREAS adding the ſouth-weſt corner of Martin county to Edgcomb will greatly relieve the inhabitants thereof:

Part of Martin added to Edgcomb county.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all that part of the county of Martin ſouth-weſt of the line beginning where the line dividing Edgcomb and Halifax ſtrikes Martin, running thence a ſtraight courſe to the Wolf-Pond near the Indian-Branch, thence to the great Cypreſs-Pond on William's thick, from thence to Thomas Taylor's as ſtraight as may be ſo as to include Micajah May's, from thence due ſouth to Pitt county line, be added to the county of Edgcomb; and that from and after the paſſing of this act, all that part of the county of Martin within the bounds above preſcribed be annexed to and made part of the county of Edgcomb, and the inhabitants thereof ſhall be ſubject and liable to the ſame rules, orders, taxes and privileges, as any others the inhabitants of the county of Edgcomb.

Commiſſioners appointed to run the dividing line.

II. *And be it further enacted by the authority aforeſaid*, That George Cockburn, John W. Mayo, William Hyman, John Burnet and Robert Sherrard, be appointed as Commiſſioners to lay off and divide the ſame as nearly within the limits above mentioned as the nature of the caſe will admit; which ſaid line, when run by the Commiſſioners aforeſaid, ſhall be by them entered on record in each of the ſaid counties of Martin and Edgcomb. *Provided nevertheleſs*, That nothing herein contained ſhall be ſo conſtrued as to hinder any Sheriff, collector or tax-gatherer from collecting his or their taxes, in the ſame manner as if this act had never been made.

Proviſo.

Court to make allowance to the Commiſſioners.

III. *And be it further enacted by the authority aforeſaid*, That the County Court of Edgcomb ſhall make ſuch allowances to the aforeſaid Commiſſioners, for running ſaid dividing line, as they deem adequate to the ſervice; which ſaid allowances, when made, ſhall be paid out of the county tax of the aforeſaid county of Edgcomb.

Regulation reſpecting lands entered in Martin, &c.

IV. Whereas it may be that ſome of the inhabitants of that part of Martin county that by this act is annexed to Edgcomb have entered land in the entry-office of Martin: *Be it therefore enacted by the*

1793.

authority aforeſaid, That where any perſon ſhall have entered lands as aforeſaid, the Entry-taker of the county of Martin is hereby empowered and directed to make out warrants and orders of ſurvey, and direct them to the Surveyor of Edgcomb county; which ſaid Surveyor is hereby ordered and empowered to ſurvey ſaid land, to take the ſame fees, and make the ſame tranſmittance thereof, as if the ſame had been entered in the entry-office of Edgcomb.

Jurors.

V. *And be it further enacted*, That in future the county of Edgcomb, in conſequence of the above addition of its inhabitants, ſhall ſend to the Superior Court of Halifax one juror more than formerly done, and that the county of Martin, in conſequence of its loſs of inhabitants as aforeſaid, ſhall ſend one juror leſs than hitherto, any law or uſage to the contrary notwithſtanding.

CHAP. XXXIII. *An Act for opening and clearing out the Yadkin and Peedee Rivers.*

WHEREAS it is repreſented to this General Aſſembly, that the opening and clearing out the Yadkin and Peedee rivers would be of utility to all the inhabitants near thereto in promoting and encouraging merchandize, and reſult a general benefit to the community at large:

Yadkin company incorporated, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid rivers be opened as ſoon as poſſible, and for the effecting of the ſame, that Charles Gordon, junior, Charles Gordon, ſenior, David Witherſpoon, Jonathan Haynes, William Meredith, Jeſſe Leſter, Job Martin, Adonijah Harbour, Samuel Kerby, John Carter, Charles Hunt, Francis Poindexter, Joſeph Williams, Robert Williams, junior, Stephen Riddle, Gabriel Enochs, Hardy Jones, Richmond Pearſon, Dugles Haden, Alexander Long, Spruce Macoy, William Cole, John Crump, William Cupples, Walter Leek, John Speed, Thomas Wade and Thomas Bluett, be and they are hereby appointed, incorporated and ſtyled the Yadkin Company, with full power to receive ſubſcriptions or donations from ſuch public ſpirited perſons as may be inclined to aid this laudable undertaking, and diſpoſe thereof as they may think beſt for the purpoſes aforeſaid; and that they by the ſaid name and ſtyle may ſue and be ſued, implead and be impleaded, in any court in this ſtate, and make ſuch rules for their own government as they ſhall think proper, not inconſiſtent with the conſtitution or laws of this ſtate.

Meeting of the Commiſſioners, &c.

Vacancies how filled.

II. *And be it further enacted*, That the ſaid company ſhall meet at the Shallow-ford, in Surry county, on the ſeventeenth day of April next, to deviſe or form ſuch regulations as to them may ſeem convenient for the ſpeedy effecting of this work, and to point out ſome mode in receiving and appropriating ſubſcription money for that purpoſe; and in caſe of refuſal to act, death or removal of any one of the ſaid company, the majority of them when convened, who are hereby in all caſes whatſoever conſtituted a quorum, ſhall appoint ſuch perſon or perſons to fill all ſuch vacancies; and the Commiſſioners or perſons ſo appointed ſhall have the ſame power, and exerciſe the ſame authorities, as the others may or can exerciſe by this act. And if any perſon or perſons ſhall wilfully cut, break down, damage or deſtroy any bank or other work by this company erected for the purpoſe of clearing out and making the ſaid rivers navigable, or do any act or thing deſigned to injure the ſaid navigation, ſuch perſon ſhall be anſwerable to the ſaid company for double the damages thereby ſuſtained.

Pen. for damage done the works.

Court to appoint overſeers.

Their duty.

Perſons liable to work on the river, &c.

III. *And be it further enacted*, That the Courts of the counties on the ſaid rivers reſpectively ſhall appoint overſeers on different parts of the ſaid rivers, as to them may ſeem convenient, for the purpoſe of clearing out the ſame; and each and every overſeer is ſpecially and directly required by this act, to call on all hands within five miles of the ſaid rivers on both ſides that are ſubject to work on roads, to aſſiſt in working and clearing out all places that will not admit the paſſage of boats with eaſe.

IV. *And be it further enacted*, That no county line nearer than five miles to any overſeer's part ſhall prevent any perſon or perſons from doing their portion of labor on his ſaid overſeer's part; and if any perſon liable to work on the ſame by this act, upon three days notice given by his overſeer, ſhall fail to do the ſame, he ſhall forfeit and pay the ſum of five ſhillings for every day that he is abſent from doing his neceſſary part of labor thereon, to be recovered before any juriſdiction having cognizance thereof: *Provided*, That no perſon ſhall be liable to work more than twelve days in every year on the ſame: And all which fines ſhall be paid into the hands of the overſeer, and by him accounted for to the company, to be applied to the uſe of effecting the ſaid navigation: And that this act ſhall be deemed as a public act, and judicially and liberally conſtrued as ſuch, for carrying the purpoſes aforeſaid into effect.

Penalty.

Proviſo.

CHAP. XXXIV. *An Act to amend an act, entitled, "An act to facilitate the navigation of Cape-Fear-river from Fayetteville to the confluence of Haw and Deep rivers."*

1792, 22, 54.

WHEREAS there is a number of fish-dams, hedges and other obstructions in the aforesaid river, and doubts may arise whether the Cape-Fear Company have power by the aforesaid act to cause them to be removed without subjecting themselves to suits:

Company's power to remove all obstructions, &c.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That as soon as the company aforesaid shall begin to clear the river aforesaid, they shall have power to remove, or shall cause to be removed, all such fish-dams, hedges or other obstructions which they or any other person working under them shall deem to be in the way of the navigation from Fayetteville up to the confluence of Haw and Deep rivers aforesaid: and any person or persons who shall thereafter erect or put up any stop, dam, hedge or ware, so as to obstruct the navigation aforesaid, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as is heretofore directed.

Pen. for erecting any stop, dam, &c.

Falling trees or rolling logs in said river.

II. *And be it further enacted*, That no person or persons shall hereafter fall any tree or roll logs into the aforesaid river, under the penalty of five shillings for every such offence, and shall also remove the trees or logs out of the river aforesaid.

Persons liable to work on the river.

Penalty.

III. *And be it further enacted*, That all persons living within two miles of Cape-Fear-river from Fayetteville up to the confluence of Haw and Deep rivers, that are liable to work on roads, or are obliged by law to attend musters, shall be obliged to work on the river aforesaid, not exceeding twelve days in each year, when thereto required by the company aforesaid, or the director of the work, who the said company may appoint to overlook for them; and on neglect or refusal to attend and work, they first having five days notice, each and every person shall forfeit and pay the sum of five shillings for every day he shall neglect or fail to do the duty required.

Fines how recovered and applied.

IV. *And be it further enacted*, That all the fines and forfeitures that are by this act imposed, shall be recovered in the name of the President of said company for the time being, and before any jurisdiction having cognizance thereof, and the monies arising therefrom to be applied to the facilitating of the navigation of Cape-Fear-river aforesaid.

CHAP. XXXV. *An Act to amend two former acts for the purpose of making Cross-Creek navigable.*

1790, 32, 238.
1791, 36, 22.

WHEREAS it has been represented to this Assembly, by the Fayetteville Canal Company, that from several unforeseen misfortunes the progress of their works has been greatly retarded, and that much longer time than was at first expected will be required for making the said navigation useful:

Longer time allowed for completing the navigation.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That five years longer time than has been allowed by the former acts be granted to the said company, for making the navigation of Cross-Creek useful.

CHAP. XXXVI. *An Act to repeal part of an act, entitled, "An act to prevent the obstruction of fish running up New-river, in Onslow county," and to alter the times of holding the County Courts of Bertie.*

1791, 41, 25.

WHEREAS the above recited act, preventing any person or persons from drawing any seine in any part of New-river, below a place known by the name of Hatch's Point, of more than twenty m ashes deep, hath proved to be oppressive and injurious to many good citizens of this state:

Part of an act repealed.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the above recited act, so far as the said act prevents the setting or hauling seines or nets below Hatch's Point, be and the same is hereby repealed and made void.

Times of holding Courts in Bertie county.

II. *Be it further enacted by the authority aforesaid*, That the County court of Bertie shall hereafter commence and be held on the second Mondays in February, May, August and November; to which times respectively all matters and things in the said court shall stand adjourned, and all process be returnable, in the same manner as heretofore to the first Mondays of those several months: *Provided*, That this alteration shall not take effect until after the session of the said court which shall be held in February next.

1793.

CHAP. XXXVII. *An Act for the regulation of the town of Warrenton.*

Private.
1792, 51, 67.

WHEREAS the act paſſed in the laſt ſeſſion of the General Aſſembly of this ſtate, for the regulation of the town of Warrenton, being conſidered by the inhabitants of the ſaid town as inadequate to the purpoſe for which it was intended:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That William Falkner, John Hall, Jacob Mordecai, Marcus George, Kemp Plumer, James Turner and Robert Gilleſpie, be and they are hereby appointed Commiſſioners for the ſaid town of Warrenton, and ſhall have full power and authority to enforce obedience to the laws which ſhall be made for the regulation of the ſaid town and to puniſh offenders; and ſhall be and they are hereby authoriſed to iſſue his or their warrant, directed to the town Conſtable, to ſummon all offenders againſt the laws, rules and ordinances made for the regulation of the ſaid town, to appear before him or them, and on conviction, which ſhall be in manner of trials before Juſtices of the Peace, the ſaid Commiſſioner or Commiſſioners is and are hereby required and authoriſed to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the ſaid town; which warrant or execution the town Conſtable is hereby required to execute: And on ſuch trials or enquiries the ſaid Commiſſioner or Commiſſioners is and are hereby authoriſed and declared to poſſeſs all the neceſſary powers to adminiſter oaths, ſummon and examine witneſſes, and ſhall each take the following oath, before they enter on the duties of their office: "I "A. B. do ſolemnly ſwear, that as Commiſſioner of the town of Warrenton I will do equal right in "all caſes to the beſt of my judgment, and according to the laws, rules and ordinances made for the "good government of the ſaid town (not incompatible with the laws of the ſtate), and all fines and "amercements that may happen to be made I will cauſe to be returned to the proper officer; and in "all things belonging to my office, during my continuance therein, I will faithfully, truly and juſtly, "according to the beſt of my ſkill and ability, do equal and impartial juſtice to the public and to in-"dividuals."

II. *And be it further enacted,* That from and after the paſſing of this act all free men of the age of twenty one years and upwards, who ſhall have reſided twelve months in the town of Warrenton aforeſaid, ſhall convene annually, on the third Monday in February, for the purpoſe of electing Commiſſioners thereof; which Commiſſioners, when elected, ſhall have power to nominate and appoint their Clerk and Treaſurer out of their own body for the year enſuing; which Treaſurer ſhall be their Chairman; and that a majority of the ſaid Commiſſioners ſhall conſtitute a quorum, nor ſhall any laws, rules and ordinances be made by a leſs number.

III. And whereas it may be found inconvenient to collect and enforce the attendance of the Commiſſioners, when the exigencies of the town require it: *Be it therefore enacted by the authority aforeſaid,* That if any Commiſſioner ſhall, after notice or ſummons of any Commiſſioner, counterſigned by the Clerk, (ſuch notice or ſummons to contain the time and place of meeting and ſhall be ſerved at leaſt two days previous to ſuch meeting) fail to give his attendance, he ſhall forfeit and pay the ſum of twenty ſhillings, unleſs prevented by any cauſe which may be deemed ſatisfactory to the ſaid Board of Commiſſioners; which fines and forfeitures ſhall be applied to the improvement of the ſaid town; and that in caſe of death, removal, neglect or refuſal to act of any of the ſaid Commiſſioners, it ſhall and may be lawful for the perſons duly qualified to be electors, to aſſemble (ten days previous notice being given by the Chairman of the ſaid Commiſſioners in writing affixed to the court-houſe) in the ſaid town of Warrenton, to elect another or other inhabitants, owning a dwelling houſe and lot or lots, to ſupply the ſaid vacancy or vacancies, and he or they ſo elected ſhall have the ſame power and authority as thoſe nominated by this act; which election ſhall be by poll. And the ſaid Commiſſioners are hereby enabled and authoriſed to appoint an overſeer or overſeers of the ſtreets, and ſhall have full power to lay a tax, not exceeding two ſhillings on every hundred pounds worth of town property, and the ſame amount on every poll, to be applied as the Commiſſioners ſhall direct, but always to the improvement and advantage of the ſaid town.

IV. *And be it further enacted by the authority aforeſaid,* That the Commiſſioners at their firſt meeting which ſhall be on the firſt Monday in March next, ſhall paſs an act or ordinance directing in what manner the ſtreets of the ſaid town ſhall be improved; and they or a majority of them be and they are hereby authoriſed and empowered, to levy a tax upon the inhabitants of the ſaid town for the purpoſe of building a market-houſe therein, on ſuch lot as to them ſhall ſeem moſt fit and convenient to

the inhabitants of the town, the expence of which ſhall not exceed thirty pounds, and the ſame, together with any additions or improvements that may be hereafter made, the ſaid Commiſſioners ſhall ſtand indefeaſibly poſſeſſed of, to them and their ſucceſſors in office; and all deeds of ſale relative to the ſame ſhall be duly recorded. 1793.

V. *And be it further enacted*, That all free males of twenty-one years of age and upwards, who ſhall have uſually reſided in the ſaid town for the ſpace of one month previous to the firſt day of January annually, and all others the proprietors of any lot or lots in the ſaid town, (orphans excepted) ſhall be deemed liable to pay taxes, and ſhall be taxed accordingly, as well for the year one thouſand ſeven hundred and ninety-four as for each ſucceeding year, at the diſcretion of the Commiſſioners, in any ſum not exceeding two ſhillings per poll.

VI. And in order that a juſt and accurate liſt of all perſons and property in this town may be obtained, *Be it further enacted*, That the Commiſſioners or any one of them ſhall be enabled to receive from the inhabitants of the ſaid town, and others by this act liable to be taxed, (any time between the firſt day of June and the firſt day of October next enſuing, and ſo annually continue to do) true and accurate liſts on oath of all polls and property to them belonging which by this act is made liable to taxation, which liſts ſhall be accurately entered by the Clerk at the firſt meeting of the ſaid Commiſſioners; and every perſon failing to give in on oath liſts as aforeſaid, ſhall be aſſeſſed in double the amount of the tax for which he or ſhe would otherwiſe be liable, to be recovered in the moſt ſummary manner.

VII. And whereas there are ſome encroachments by piazzas and encloſures upon the ſtreets of the ſaid town, which though not attended with any immediate danger or injury, yet may be the cauſe of trouble to the proprietors or their ſucceſſors; therefore to prevent any vexation, litigations in law reſpecting ſuch as are now ſtanding, and to ſtop any future encroachments, *Be it enacted by the authority aforeſaid*, That the Commiſſioners of the ſaid town are hereby empowered and directed to take cognizance of the ſame, and if the owner of ſuch encroachment ſhould not be willing to remove the ſame, the ſaid Commiſſioners ſhall impoſe a ground-rent, not exceeding one ſhilling for every foot encroaching or projecting on the ſtreet, to be annually paid for each piazza, fence or other encroachment on the ſtreet, to be applied to the public ſtock of the town; and if any perſon ſhall refuſe or neglect to pay ſuch ground-rent, the ſame ſhall be levied by a warrant under the hands of the Commiſſioners, or any one of them, directed to any perſon by them appointed for that purpoſe, on the goods and chattels of the delinquent: And that from and after the paſſing of this act it ſhall not be lawful for any perſon to make encroachments on the ſaid ſtreets, either by piazza, encloſure or fence; and it ſhall be the duty of the ſaid Commiſſioners to prevent the ſame.

VIII. *And be it further enacted*, That in all caſes of controverſy concerning lines or the boundaries of lots, it ſhall be in the power of the Commiſſioners of the town, together with three inhabitants of the ſaid town, whom the Commiſſioners ſhall ſummon for that purpoſe, to determine ſuch diſpute ſo far as the lines may be in queſtion, and in caſe where the original corner or corners of a ſquare may be aſcertained by old plats or ſurveys, the Commiſſioners and the ſaid three inhabitants ſhall determine the ſame; and the intermediate loſs or gain, when the ſides of the ſquare ſhall appear to be too ſhort or too long from any change that may have happened in the level or ſurface of the ground, ſhall be equally divided among the ſeveral proprietors of lots in that ſquare, and all expence of ſuch ſurvey ſhall be equally borne by ſuch proprietors.

IX. *And be it further enacted*, That in caſe where entroachments have been made upon any lot or part of lots, by buildings which have been erected, through ignorance of the true boundary, the party encroached upon ſhall not be at liberty to bring ſuit by ejectment in the firſt inſtance, but on application to the Commiſſioners they ſhall order and direct ſix inhabitants of the ſaid town to be ſummoned, which inhabitants, together with a ſworn ſurveyor, ſhall meaſure and value the ground thus encroached upon, and the offending party upon paying the coſts of ſuch ſurvey, to be aſſeſſed by the Commiſſioners, together with the whole amount of the valuation money of ſuch covered ground, within the ſpace of thirty days from the time of the proceſs, to the party offended, or to the Treaſurer of the town, and obtaining a receipt for the ſame, ſhall be veſted in a clear and abſolute title to ſuch covered ground forever. But in caſe the valuation money ſhould not be paid by the party treſpaſſing, agreeable to the orders of the Commiſſioners, the proceſs ſhall be conſidered as none effect, the party treſpaſſing ſhall pay the coſts of ſaid proceſs, and be further liable to a ſuit by ejectment, any thing in this ſtate to the contrary notwithſtanding. *Provided*, In all caſes whatever reſpecting

1793. the judgment of the Commiſſioners, in conſequence of the authority delegated to them by this act, any perſon or perſons being diſſatisfied with ſuch judgment, he, ſhe or they ſhall have the liberty of appealing therefrom to the Court of Pleas and Quarter-Seſſions for the county of Warren.

X. *And be it further enacted*, That each and every perſon, holding any unimproved lot or lots in the ſaid town, ſhall for every ſuch lot be liable to a tax of five ſhillings annually, and ſhall be aſſeſſed accordingly; and the monies ariſing from ſuch aſſeſſment to be collected in manner before directed: *Provided nevertheleſs*, That it is hereby expreſsly declared that dwelling-houſes of every kind, or encloſures either by rails, paling or plank extending the full length and breadth of the lot or lots, ſhall be deemed improvements under this act: *And provided alſo*, That no perſon or perſons owning a lot or lots in the ſaid town of Warrenton, who ſhall be out of this ſtate at the time of paſſing of this act, ſhall be liable to the ſaid tax until the expiration of two years from the time of paſſing the ſame. And the Commiſſioners ſhall cauſe the ſame to be advertiſed in the moſt public manner at the expiration of every three months during the aforementioned term of two years, after which time, if no claimant appears, nor any perſon or perſons with ſufficiently atteſted documents to prove his, her or their right or rights to make the improvements required by this act, it may and ſhall be lawful for the Commiſſioners of the ſaid town to diſpoſe of ſuch lot or lots by public ſale, the ſaid Commiſſioners giving three months notice by writing affixed to the court-houſe in the ſaid town; and the amount of ſuch ſale or ſales of lot or lots to be appropriated to the improvement and benefit of the ſaid town.

XI. *And be it further enacted by the authority aforeſaid*, That no perſon ſhall ſtrain a horſe in any public ſtreet of the ſaid town, ſo as to endanger the lives of children or other helpleſs inhabitants; and any perſon ſo offending ſhall be fined by the Commiſſioners, or any one of them, in any ſum not exceeding five ſhillings, to be recovered in manner before mentioned, and to be appropriated to the advantage of the town.

XII. *And be it further enacted*, That the act* heretofore paſſed for the regulation of the town of Warrenton be and ſame is hereby repealed and made void.

CHAP. XXXVIII. *An act for the better regulation of the town of Wadesborough, in the county of Anſon.*

Private. WHEREAS the ſituation of the court-houſe, priſon and ſtocks is very near the dwelling and other houſes in ſaid town, which renders the court houſe, priſon and ſo forth, in danger of being conſumed by fire: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Thomas Wade, William Johnſton and Ingoe Dozer Caſh, be and are hereby appointed Commiſſioners, to ſee that no perſon hereafter under the violation of this act ſhall build or erect, or cauſe to be erected, any other chimney in the improvement of their lots than a ſafe ſtone or brick chimney, that will not render the ſaid court-houſe, gaol or other houſes in ſaid town in danger of the fire thereof.

II. *And be it further enacted*, That if any perſon or perſons ſhall build or erect any other chimney than aforeſaid, ſuch perſon or perſons ſhall forfeit and pay the ſum of twenty pounds, to be recovered by the ſaid commiſſioners, or a majority of them, before any juriſdiction having cognizance thereof, to be applied to the uſe of the poor in ſaid county, any law, cuſtom or uſage to the contrary notwithſtanding.

CHAP. XXXIX. *An Act to prevent any perſon or perſons from hauling or working two ſeines at the ſame time and place on Tar river.*

Private. WHEREAS it is almoſt practicable to prevent fiſh from running up ſaid river by working two ſeines at the ſame time and place, by ſhooting one out as the other is hauled in:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That it ſhall not be lawful for any perſon or perſons ſo to work two ſeines at

* There are *many* acts for the regulation of Warrenton. The one alluded to, if all were not intended, I ſuppoſe to be that referred to in the margin, at the beginning of this act. However, as this is not clear, I retained it.

the ſame time and place in any one fiſhing-hole on ſaid river, under the penalty of five pounds for each and every offence, to be recovered before any Juſtice of the Peace in the county wherein ſuch offence may be committed, to the uſe of the perſon who ſhall ſue for the ſame. 1793.

CHAP. XL. *An Act for the regulation of the towns of Morganton and Lincolnton.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the inhabitants of the ſaid towns of Morganton and Lincolnton reſpectively are required to meet at the court-houſes reſpectively in the ſaid towns, on the firſt Tueſday of March in every year, then and there to chooſe five Directors for each of the ſaid towns, by ballot, under the inſpection of two perſons to be choſen for that purpoſe, by the freeholders of each of the ſaid towns who ſhall be preſent; and all the inhabitants of the ſaid towns, and lot-holders therein, although not inhabitants, who are entitled to vote for Members of the Aſſembly, ſhall be entitled to vote at the ſaid election for Directors of the town whereof they are inhabitants or wherein they are lot-holders.

II. *And be it further enacted by the authority aforeſaid*, That the ſaid Directors, when choſen, or their ſucceſſors, or a majority of them, ſhall have full power and authority for the town whereof they are Directors, to make rules and regulations for the opening, extending and clearing the ſtreets, and ſhall have power to remove all obſtructions, encroachments and nuiſances whatſoever from the ſtreets and public ſquares of ſaid towns reſpectively, at the expence of the party making ſuch obſtruction, encroachment or nuiſance. And the ſaid Directors and their ſucceſſors, or a majority of them, for ſuch town whereof they are Directors, ſhall have full power and authority to ſue for and recover all penalties and fines which ſhall be recoverable, for the uſe of the towns reſpectively; and no ſuit for ſuch penalty ſhall abate by reaſon of the death or removal of the ſaid Directors, or either of them, but may be proſecuted to final judgment and execution by their ſucceſſors. And the ſaid Directors of each of ſaid towns ſhall alſo appoint a Treaſurer for ſuch towns on the day ſucceeding their own election, who ſhall give bond and ſufficient ſecurity for the faithful diſcharge of his office, and for ſettling and paying up any balance that may remain in his hands to the Treaſurer that may be appointed for the ſucceeding year.

III. *And be it further enacted*, That the ſaid Directors, for the town whereof they are Directors, or a majority of them, and their ſucceſſors, ſhall have power to lay a tax annually of one ſhilling on every hundred pounds value of lots in the ſaid town, to be applied to the purpoſe of clearing the ſtreets and encloſing the public ſquare, and building a market-houſe, to be collected by ſuch perſon as they ſhall appoint collector of taxes in the ſaid town, who is hereby empowered to diſtrain in caſe of non-payment of the tax aforeſaid.

IV. And whereas wooden chimnies of houſes built upon the lots adjoining the main ſtreets that are around the public ſquare would encreaſe the dangers by fire: *Be it therefore enacted by the authority aforeſaid*, That no perſon or perſons ſhall build, or ſuffer to be built, any wooden chimney on his or their lot adjoining the main ſtreets aforeſaid, under the penalty of twenty ſhillings for every month that ſuch chimney ſhall ſtand built upon his, her or their lot as aforeſaid.

V. *And be it further enacted*, That any perſon or perſons owning wooden chimnies already built upon lots adjoining the ſaid main ſtreets, ſhall remove them within two years after the riſing of this preſent General Aſſembly; owner or owners of ſuch wooden chimnies, who ſhall not remove the ſame within the term of two years, ſhall forfeit and pay twenty ſhillings for every month that he or they ſhall ſuffer the ſame to remain.

VI. *And be it further enacted*, That during the terms of the Superior Courts and County Courts, which may be held in either of the ſaid towns, it ſhall be and it is hereby declared to be a nuiſance, for any ſuttling waggon or cart, or other carriage, to remain on the public ſquare, or on the main ſtreets adjoining the ſaid ſquares, for the purpoſe of ſelling by retail; and that the owner or driver of any ſuttling waggon, cart or other carriage, who ſhall ſuffer his or her carriage to remain on the public ſquares, or on the main ſtreets adjoining the public ſquares, for the purpoſe of ſelling by retail, during the terms of either of ſaid courts, ſhall forfeit and pay the ſum of ten ſhillings for every offence.

VII. *And be it further enacted*, That all the penalties and forfeitures mentioned in this act ſhall be recovered in the name of the directors of ſaid towns reſpectively, where incurred, in a ſummary

1793. way, before any Juſtice of the peace, for the uſe of ſuch town, and ſhall be applied, by order of the ſaid Directors or a majority of them, for the purpoſe of clearing the ſtreets, encloſing the public ſquares with a line of poſts on each ſide thereof, and for building a market-houſe in each of the ſaid towns reſpectively, where ſuch penalties were incurred and recovered.

CHAP. XLI. *An Act for granting ſeparate elections to the inhabitants of Tyrrel county, and for eſtabliſhing a town on the lands of John Haſſel, on the eaſt ſide of Scuppernong river, in the ſaid county.*

Private. WHEREAS the inhabitants of Gun-neck diſtrict, in the county of Tyrrel, are ſo ſituated that it is very difficult and and frequently impracticable for them to attend elections at the places now eſtabliſhed for that purpoſe:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of ſame,* That from and after the paſſing of this act, it ſhall be the duty of the Sheriff of the ſaid county of Tyrrel, by himſelf or lawful deputy, to open a poll and hold an election for Members to repreſent the ſaid county in the General Aſſembly of this ſtate, at the houſe of John Livermore, ſenior, within the ſaid diſtrict of Gun-neck, on the Friday preceding the ſecond Thurſday of Auguſt in every year, and keep the ſame open until ſunſet of the ſaid Friday, at which time and place it ſhall be lawful for the inhabitants of the ſaid diſtrict, and the adjacent places, to give their votes for perſons to repreſent the ſaid county in the Senate and Houſe of Commons of this ſtate, agreeable to the conſtitution and laws thereof; and after the poll is cloſed, the Inſpectors of the poll ſhall, in preſence of the Sheriff or his deputy as aforeſaid, ſeal up the boxes containing the votes ſo taken, that they may be by him tranſmitted to the court-houſe of the ſaid county.

II. *And be it further enacted,* That the ballots taken in manner before directed ſhall be counted with and conſidered a part of the ballots given at the annual election for ſaid county: And *provided alſo,* That nothing herein contained ſhall be conſtrued to deprive any perſon, having a right to vote in the ſaid county and not having previouſly given his vote, of the privilege of voting at the court-houſe as formerly.

III. And whereas it is repreſented to this General Aſſembly that the inhabitants of the ſaid county are deſirous of eſtabliſhing a town on the lands of John Haſſel, on the eaſt ſide of Scuppernong-river, and that thirty acres of land are already laid off for that purpoſe: *Be it further enacted,* That Hezekiah Spruill, John Wynn, Richard Howatt, Abner Alexander and Seth Phelps, be and they are hereby appointed Commiſſioners, to agree for, purchaſe and receive title to the ſaid thirty acres of land ſo laid off as aforeſaid; and they or a majority of them are hereby empowered to make an accurate plan of the ſaid land, as it is now laid off into lots and ſtreets, numbering the lots and naming the ſtreets.

IV. *And be it further enacted,* That the land ſo purchaſed of the ſaid John Haſſel, laid off into ſtreets and lots as aforeſaid, ſhall and it is hereby eſtabliſhed a town, to be called and diſtinguiſhed by the name of Elizabeth-Town.

V. *And be it alſo enacted,* That as ſoon as a ſufficient number of the ſaid lots ſhall, in the opinion of the ſaid Commiſſioners or a majority of them, be ſubſcribed for, the Commiſſioners ſhall cauſe the ſaid lots to be drawn for, and ſuch of the ſaid lots as remain, ſhall and are hereby veſted in the ſaid Commiſſioners, for the uſe of the ſaid town.

VI. *And be it further enacted,* That if any Commiſſioner hereby appointed ſhall refuſe to act, die, or remove out of the county, the Survivors or remaining Commiſſioners are hereby empowered to elect another in the place of him or them ſo refuſing, dying or removing.

1768, 12, 56.* CHAP. XLII. *An Act to amend an act, entitled, "An act for eſtabliſhing a town on the land of Benjamin Wynns, on Chowan river."*

Private. WHEREAS the Directors or Commiſſioners heretofore appointed by the authority of the ſaid act, have by death or removed become inadequate to carry the ſame into effect:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Robert Montgomery, William Wynns, Francis Bell, William Brickell, John Stephen Hill, William Baker Wynns, and Thomas Noyal Brickell, be and they are hereby de-

clared to be the Directors or Commiſſioners of the town of Wynnton, eſtabliſhed by the authority of the aforeſaid act; and they are hereby veſted with the ſame powers, and required to perform the ſame duties, as were veſted in or required of the Directors or Commiſſioners appointed by the authority of the act aforeſaid.

II. *And be it further enacted*, That the Commiſſioners hereby appointed, or a majority of them, ſhall have power to make ſuch regulations, not inconſiſtent with the conſtitution or laws of this ſtate, as may tend to the good government of the ſaid town, and to compel the inhabitants thereof to work upon the ſtreets, under the ſame rules and reſtrictions as are preſcribed by law for working on public roads.

CHAP. XLIII. *An Act for eſtabliſhing an academy in the town of Tarborough, and for authoriſing the Juſtices* to raiſe a ſum, not exceeding one thouſand pounds, for the benefit of ſuch academy.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That John Leigh, Etheldred Philips, Amos Johnſon, Edward Hall, Jacob Battle, John Ingles and Blake Baker, be and they are hereby declared to be a body politic and corporate, to be known and diſtinguiſhed by the name of the Truſtees of the academy of Tarborough, and by that name ſhall have perpetual ſucceſſion and a common ſeal; and that the Truſtees and their ſucceſſors, or a majority of them, by the name aforeſaid, ſhall be able and capable in law to take, demand, receive and poſſeſs, all monies, goods and chattels that ſhall be given them for the uſe of the ſaid academy, and the ſame to apply according to the will of the donors; and by gift, purchaſe or deviſe to take, have, receive, poſſeſs, enjoy and retain, to them and their ſucceſſors forever, any land, rent, tenements and hereditaments, of what kind, nature or quality ſoever the ſame may be, in ſpecial truſt and confidence that the ſame or profits thereof ſhall be applied to and for the uſe and purpoſes of eſtabliſhing and endowing the ſaid academy. Private.

II. *And be it further enacted*, That the Truſtees and their ſucceſſors, or a majority of them, by the name aforeſaid, ſhall be able and capable in law to bargain and ſell, grant, demiſe, alien, or diſpoſe of and convey and aſſure to the purchaſers, any ſuch lands, rents, tenements and hereditaments aforeſaid; and further that the ſaid Truſtees and their ſucceſſors forever, or a majority of them, ſhall be able and capable in law, by the name aforeſaid, to ſue and implead, be ſued and impleaded, anſwer and be anſwered, in all courts of record whatſoever; and they ſhall have power to open and receive ſubſcriptions, and in general they ſhall and may do all ſuch things as are uſually done by bodies corporate and politic.

III. *And be it further enacted*, That on the death, refuſal to act, reſignation or removal out of the ſtate of any of the Truſtees for the time being, it ſhall be lawful for the remaining Truſtees, or a majority of them, and they are hereby authoriſed and required, to elect or appoint one or more Truſtees in the place of ſuch Truſtee or Truſtees dying, refuſing to act, reſigning or removing.

IV. *And be it further enacted*, That the ſaid Truſtees, in order to carry the preſent act into effect, ſhall have power to chooſe a Preſident of the Board, Secretary and Treaſurer; and the Treaſurer ſhall hold his office for the term of two years, and enter into bond to the Preſident of the Board for the time being, in the ſum of two thouſand pounds, conditioned for the faithful diſcharge of his office and the truſt repoſed in him, and at the expiration of his office ſhall account for, pay and deliver over to the ſucceeding Treaſurer, all monies that may be in his hands belonging to the Truſtees; and on his neglect or refuſal to account for, pay and deliver as aforeſaid, the ſame method of recovery may be had againſt him as is or may be provided for the recovery of monies from Sheriffs or other perſons chargeable with public monies.

V. *And be it further enacted*, That the ſaid Truſtees, or a majority of them, ſhall be and they are hereby authoriſed and empowered, to raiſe by way of lottery, to be drawn under their particular ſuperintendance and inſpection, a ſum or ſums not exceeding one thouſand pounds, for the uſe and benefit of the ſaid academy.

* The word "*Truſtees*" was intended.

1793.

CHAP. XLIV. *An Act to eſtabliſh a ſeminary of learning in the town of Lumberton, and Raft-Swamp, in the county of Robeſon.*

Private.

WHEREAS the eſtabliſhment of a ſeminary of learning in the town of Lumberton, and at Raft-Swamp, in the county of Robeſon, may be attended with great advantage to the education of youth in ſaid county:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That John Willis, John Brown, Robert Hails, Joſhua Pharoah, John Noyes, John Storm, Joſiah Barnes, John Belton, Neil Brown, Sampſon Bridgins and John Deus, be and they are hereby appointed Truſtees to the ſeminary at Lumberton, and Archibald M'Kay, Neil Murphy, Hector M'Neil, Neil Brown, Archibald M'Mullan and John Gilchriſt, Truſtees to the ſeminary at Raft-Swamp, with full power and authority to receive all donations, gratuities and gifts into their hands and poſſeſſion, as well money as other property, that may be ſubſcribed for the purpoſe of erecting and ſupporting the aforeſaid ſeminaries of learning in the county of Robeſon; and the ſaid Truſtees and their ſucceſſors ſhall be able and capable in law to aſk for, recover and receive from the ſeveral ſubſcribers, all ſums by them reſpectively ſubſcribed, and in caſe of refuſal of any of them to pay the ſame, to ſue for and recover, by action of debt or otherwiſe, in the name of the Truſtees, the ſum which ſuch perſon ſo refuſing ſhall have ſubſcribed, before any juriſdiction having cognizance thereof; and the monies when collected and received, to be applied by the Truſtees or a majority of them towards employing a Tutor or Tutors, and building a houſe or houſes for that purpoſe in ſaid town and Raft-Swamp; and to perform every act or thing which they or a majority of them ſhall think moſt adviſable and neceſſary for the advancement and promotion of literature in each of the aforeſaid ſeminaries.

II. *And be it further enacted,* That the Truſtees herein before mentioned ſhall, previous to their entering on the execution of the truſt repoſed in them by this act, give bond to the court of the county, payable to the Chairman or his ſucceſſors, in the ſum of one thouſand pounds ſpecie each, with condition that they ſhall truly and faithfully account for and apply all gifts, gratuities, donations, bequeſts and monies, which they may receive of and by virtue of this act for the purpoſes aforeſaid.

III. *And be it further enacted,* That if any of the Truſtees by this act appointed ſhall die, refuſe to act or remove, ſo that he or they cannot attend the duties of their appointment, a majority of the remaining Truſtees may appoint another or others in his or their room and place, who ſhall exerciſe the ſame powers as Truſtees appointed by this act, and when convened ſhall have power and authority to appoint a Tutor or Tutors and Treaſurers, and alſo to make and ordain ſuch rules and regulations (not repugnant to the laws of the ſtate) for the well ordering the ſtudents, their morals, virtues and academical exerciſes, as to them ſhall ſeem meet, and to give certificates to ſuch ſtudents as ſhall leave the ſaid ſeminary, certifying their literary merit; and in general they may do and exerciſe all ſuch things as are uſually done by bodies politic and corporate, or ſuch as may be neceſſary for the promotion of learning and virtue; and the ſaid Truſtees ſhall have power to remove the Tutor or Tutors, Treaſurer or any of them belonging to their reſpective ſeminaries, when they ſhall think neceſſary; or on the death, reſignation or refuſal to act, to appoint others in the place of thoſe ſo dying or reſigning.

IV. *And be it further enacted,* That the Truſtees by this act appointed, or a majority of them, ſhall meet annually, on the third Monday in January in each and every year, or at any other time they may think more convenient, and elect a proper perſon out of their own body to preſide for the term of one year, who may convene the Truſtees at any time neceſſity may require.

V. *And be it further enacted,* That the Treaſurer of each Board of Truſtees hereby appointed ſhall enter into bond with ſufficient ſecurity to the ſaid Truſtees, conditioned for the faithful diſcharge of the truſt repoſed in him by this act, and that all monies and chattels that ſhall be in his hands ſhall be immediately paid into the hands of the ſucceeding Treaſurers; and every Treaſurer ſhall receive all monies, donations, gifts, gratuities, bequeſts and chattels that may belong or accrue to each of the ſaid ſeminaries.

CHAP. XLV. *An Act to pardon and reſtore to credit Thomas Coſtello.* 1793.

Private.

WHEREAS Thomas Coſtello was convicted of petit larceny at the County Court of Johnſton, and as it has been repreſented to this General Aſſembly that there is a great probability that the proſecution was malicious, and being only ſupported by the teſtimony of the proſecutor; wherefore it appears unjuſt that the ſaid Coſtello ſhould be deprived of the rights of citizenſhip, when ſtrong proof is produced of his innocence:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Thomas Coſtello be, and he is hereby declared to be, pardoned and reſtored to credit, in as full and ample a manner, as if he the ſaid Thomas Coſtello had never been convicted of the ſaid crime, and that due faith and credit ſhall be given to his oath and teſtimony in all judicial proceedings in this ſtate, any thing to the contrary notwithſtanding.

CHAP. XLVI. *An Act to eſtabliſh an inſpection for tobacco on the north ſide of Dan river, in the county of Rockingham, on the lands of John Leak.*

Private.

WHEREAS it is repreſented to this General Aſſembly by petition, that an inſpection for tobacco on the lands of John Leak, in the county of Rockingham, might be highly beneficial to the citizens of that and the adjoining counties: And whereas it is further repreſented that the ſaid John Leak has erected a ſufficient houſe for the reception and ſtorage of tobacco at Leakſville, in the county aforeſaid:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the County Court of Rockingham ſhall annually appoint two diſcreet perſons, acquainted with the nature and quality of tobacco, to be Inſpectors thereof, at the ware-houſe erected by the ſaid John Leak, at Leakſville aforeſaid; who ſhall take the ſame oaths, be ſubject to the ſame rules, regulations and reſtrictions, and be entitled to the ſame fees and emoluments, which Inſpectors of tobacco are ſubject and entitled to in this ſtate; and all tobacco ſo inſpected at Leakſville aforeſaid, ſhall be held and deemed merchantable, as if inſpected at any other inſpection. And the Turners up to be appointed at the ware-houſe aforeſaid, ſhall be entitled to the ſame fees that Turners up are entitled to at any tobacco inſpection in this ſtate.

II. *And be it further enacted,* That it ſhall and may be lawful for the ſaid John Leak to demand and receive, for all tobacco and other produce ſtored in his ware houſe aforeſaid, the ſame fees for ſtorage as are demanded and received at any of the ware houſes in this ſtate.

CHAP. XLVII. *An act to incorporate the inhabitants of Rutherfordton, in the county of Rutherford, with power to lay a tax for the uſe of the ſaid town, and to give a further time to James Engliſh to build a dam acroſs Second Broad river, and to appoint a Commiſſioner in the place of Samuel Carpenter, reſigned, to authoriſe the county Treaſurer to appoint Collectors.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the preſent inhabitants of Rutherfordton be and they are hereby declared to be a body politic and corporate, to be known and diſtinguiſhed by the name of Union Society; and the ſaid inhabitants, or a majority of them, by the name aforeſaid, are hereby declared to have full power and authority to lay a tax on all the taxable property of ſaid inhabitants, and ſhall have power to collect and apply the ſame in diſcharging the expences of ſaid town; which ſaid tax ſhall be laid for ſuch ſum, and be continued for ſuch length of time, as ſaid corporation may conceive conſiſtent with the circumſtances of the inhabitants, and the regulations and improvements of the ſame: *Provided,* That the ſaid corporation ſhall not at any time lay a tax exceeding two ſhillings upon every poll, and eight-pence on every hundred acres of land that they may be poſſeſſed of at the time, the ſaid corporation ſhall in each year direct a return of their taxable property, and two ſhillings on every hundred pounds value of town lots with their improvements; the return of taxable property to be made under the ſame rules and regulations, and under the ſame fines and penalties, as is directed by law for the public taxes.

II. *And be it further enacted,* That the ſaid corporation ſhall have power and authority to ordain and eſtabliſh ſuch rules and regulations, to prevent any perſon or perſons from ſelling by retail any

1793. kind of liquors in ſaid town, as they or a majority of them ſhall deem neceſſary, which laws and regulations ſhall be made public, under the ſeal of ſaid corporation, and annex ſuch penalties and forfeitures thereto as they may deem neceſſary to enforce the ſame; and the violaters thereof ſhall be liable to pay the ſaid forfeitures in the ſame manner as if they had been expreſſed in this act, to be applied to ſuch uſe and purpoſes as the corporation may direct.

III. *And be it further enacted by the authority aforeſaid*, That nothing in this act ſhall be ſo conſtrued as to prevent any citizen of ſaid county from ſelling ſpirituous liquors by retail, provided that they do pay forty ſhillings to the Sheriff, agreeable to an act paſſed in the year one thouſand ſeven hundred and ninety-one.

IV. And whereas a reſolution of the General Aſſembly was made, empowering James Engliſh to erect a dam acroſs Second Broad-river, but as ſaid reſolution could not operate againſt a poſitive law, the ſaid Engliſh has never received any benefit thereby: *Be it therefore further enacted*, That the ſaid James Engliſh be and he is hereby authoriſed and empowered to build and erect a dam acroſs Second Broad-river, agreeably to the ſaid reſolution of the General Aſſembly, conforming in each and every particular to the power and authority therein given: *Provided nevertheleſs*, That the ſaid James Engliſh ſhall not erect any dam acroſs the river aforeſaid, ſo as to ſtop the free paſſage of fiſh, unleſs it be for the ſole purpoſe of erecting iron works, and in that caſe the ſaid Engliſh ſhall make a ſufficient ſlope, agreeable to an act made and provided for ſuch caſes.

V. *And be it further enacted*, That Iſaac White be and he is hereby appointed a Commiſſioner, in the room of Samuel Carpenter reſigned, who ſhall have the ſame power and authority in ſuperintending and managing the public buildings in ſaid town, and in doing and performing each and every particular reſpecting the ſame, as are given to the Commiſſioners formerly appointed by law for that purpoſe.

VI. *And be it further enacted*, That in caſe any of the Collectors appointed by the County Court of Rutherford ſhould refuſe to perform the duties of ſaid appointment, in collecting the county tax, then and in that caſe the Treaſurer for ſaid county is hereby declared to be veſted with full power and authority to appoint another or others in the room of him or them ſo refuſing to act as aforeſaid.

CHAP. XLVIII. *An Act for ſecuring and preſerving the title of the freeholders in the counties of Perquimans, Beaufort and New-Hanover.*

Private.

WHEREAS the records of titles for lands in the ſaid counties are in ſome parts, by age or otherwiſe, ſo defaced and worn as to be ſcarcely intelligible, and much of the remainder greatly injured, whereby new copies thereof become neceſſary:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the courts of the ſaid counties reſpectively (a majority of the acting Juſtices being preſent) be and they are hereby empowered, to appoint a proper perſon to collect all authentic books and papers wherein titles of land have heretofore been regiſtered, and to copy the ſame neatly, accurately and in proper order, into books well bound and lettered; for the ſpeedy and faithful performance of which, and for the due care and return of the ſaid books and papers, each of the ſaid perſons ſhall give bond with two good and ſufficient ſecurities, in ſuch ſums as the courts may reſpectively require. And the better to enable ſuch perſons, ſo appointed for the ſaid counties reſpectively, to begin and carry through the work aforeſaid, the court upon receipt of ſuch bond in the Clerk's-office, and from time to time thereafter, ſhall make ſuch allowances as they may deem neceſſary and proper: *Provided*, That not more than half the ſum which they conceive will be due for the work be paid, before the whole be completed and preſented to the court for examination.

II. *And be it further enacted*, That in order to guard more effectually againſt any fraud or error in copying the ſaid records, the courts reſpectively, upon the records and the copies being preſented to them, ſhall order notice to be given for the election of three freeholders in each of the ſaid counties, to compare and examine the ſame, and to correct ſuch errors as may be found in the new copies; which election ſhall be held at the ſame time and place, and in the ſame manner, and under the ſame regulations and reſtrictions, as the enſuing annual election for Senators of the counties, and a certificate of which election ſhall be returned by the Sheriff to the ſucceeding County Court, to be filed by the Clerks reſpectively among the records of the ſaid counties, who ſhall alſo enter a copy thereof on

1793.

the minutes of their ſeveral courts; and the perſons ſo elected ſhall proceed to the examination of the ſaid records and copies without delay, and upon completing the ſame ſhall return them to the ſeveral County Courts, with a certificate of them or a majority of them that the ſaid new books contain a juſt, full and true copy of the old records, which certificates ſhall be ſworn to, and copied at the end of the new book, and ſuch copy of the certificate and oath ſhall be atteſted in open court by the Clerk thereof, and counterſigned by the Chairman, whereupon the ſaid books ſhall be delivered to the Regiſter of the county, and a copy from the ſaid new books, certified by the Regiſter as aforeſaid, ſhall be as full and effectual in law as if the ſame had been made from the old records.

III. *And be it further enacted*, That it ſhall be the duty of the perſons reſpectively appointed to copy the ſaid records, and they and each of them are hereby empowered and required, to demand and receive all the old books or other authenticated documents wherein the titles of land in their reſpective counties have been recorded, and in caſe of refuſal to deliver all or any part thereof, to give ten days notice to the party ſo refuſing of an intention to complain to the ſucceeding County Court, on proof of which refuſal and notice, the court of the county wherein ſuch perſon refuſing reſides ſhall commit him or her to cloſe confinement in the common goal, there to continue without bail or mainprize until the ſaid books and papers ſhall be delivered up, and all coſts for commitment and confinement ſhall be ſatisfied.

IV. *And be it further enacted*, That it ſhall and may be lawful for the courts of the ſaid counties reſpectively to make ſuch allowance as they ſhall think reaſonable to the perſons employed in copying, comparing, examining and correcting the ſaid books; which payment ſhall be provided for by a ſpecial tax to be laid on the lands within ſaid counties until the expences of ſaid work be paid, not exceeding eight-pence for every hundred acres of land, and eight-pence for every hundred pounds value of town property.

CHAP. XLIX. *An Act for opening that part of the Catawba-river called the South-Fork, for the paſſage of fiſh in the county of Lincoln.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that the paſſage of fiſh in the ſaid river is greatly obſtructed by certain ſhoals called the High-Shoals, and if a proper ſlope was made through the ſaid ſhoals, the ſaid river above the ſaid ſhoals is ſufficiently large for the paſſage of fiſh for the diſtance of forty miles:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That David Robinſon, Chriſtian Reinhart, Joſeph Morris, John Fullenwider and John Henderſon, be and they are hereby appointed Commiſſioners, for the purpoſe of opening and keeping open the ſaid South-Fork of the Catawba-river; and the ſaid Commiſſioners or a majority of them ſhall have power to open the ſaid river, and keep the ſame open in the deepeſt part thereof twenty feet wide, and ſhall have power to cut and make a ſlope through the ſaid ſhoals, not exceeding twenty feet wide; and for the purpoſe of defraying the expence of making the ſaid ſlope, and opening other parts of ſaid river, the ſaid Commiſſioners ſhall have power to take and receive the voluntary contributions and ſubſcriptions of all perſons who are willing to contribute towards the expences of opening ſaid river; and ſhall account and ſettle with the County Court of Lincoln for the expenditure of all ſums of money they ſhall receive by virtue of this act.

II. And whereas it is repreſented to this General Aſſembly that Mr. James Henderſon, at his ſhoals in the ſaid river, hath erected a dam which hath become a very injurious obſtruction to the paſſage of fiſh, and that a ſufficient ſlope might be made in the ſaid dam for the free paſſage of fiſh, with very little injury or damage to the ſaid James Henderſon: *Be it therefore enacted*, That the ſaid Commiſſioners, or a majority of them, ſhall have power and authority to make a ſlope in the ſaid James Henderſon's dam, not exceeding twenty feet wide, in the moſt convenient and advantageous place for the free paſſage of fiſh; *provided* the ſaid ſlope ſhall not lower the water at common times more than four inches at the upper part of ſaid ſlope.

III. *And be it further enacted*, That every perſon who ſhall after the paſſing of this act erect a dam in the ſaid South-Fork of the Catawba-river, and ſhall not leave open at leaſt one third part thereof in the deepeſt part thereof, for the free paſſage of fiſh, or ſhall put any obſtruction in any ſlope which ſhall be made by virtue of this act, or ſhall put any obſtruction in any other part of ſaid river which

1793. shall be cleared by virtue of this act, or shall fish with a seine, net, trap, or other machine, at any slope which shall be made at the High-Shoals, or Henderson's shoals, by virtue of this act, shall forfeit and pay fifty pounds for every offence, to be recovered in the name of said Commissioners, by action of debt, before any jurisdiction having cognizance thereof, and applied for the purpose of opening and keeping open the said river for the free passage of fish.

Temporary. CHAP. L. *An Act to enable William Morrison, late Sheriff of Burke county, to collect all arrears of taxes due to him as Sheriff.*

CHAP. LI. *An act to empower Currituck and Hyde county courts to appoint Commissioners, for the purpose of appropriating to the benefit of each county respectively the public grounds adjacent to their court-houses, and to regulate the proceedings thereon, and to empower the Wardens of the poor in each county to lay a higher tax for the support of the poor thereof, and to alter the time of holding separate election in Currituck county.*

Private. I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the County courts respectively to be held in said county, on the last Monday in February annually, shall appoint three Commissioners in each county for the ensuing year, which three Commissioners, or any two of them, are hereby authorised to rent or lease for a term not exceeding seven years, such part of the public grounds adjacent to their court-houses as the court shall judge necessary for public use, and the monies arising from such rents or leases shall be accounted for and paid by the Commissioners to the County Courts respectively, and be applied by them to the use of the county; and the Commissioners appointed by virtue of this act are hereby empowered to regulate the stalls of tavern-keepers who may bring rum or other spirituous liquors on the public ground to sell: *Provided,* That if any of the Commissioners appointed as aforesaid, should die, remove out of the county, or refuse to act, the court shall appoint a Commissioner or Commissioners, to act in the room of him or them deceased, removed out of the county, or refusing to act.

The first part of this section Temporary. II. — And the Wardens of the poor in the county of Hyde are hereby empowered to lay a parish tax annually, not exceeding two shillings and six pence on each hundred pounds value of town lots, and two shillings and six-pence on each taxable poll, or more than ten-pence on each hundred acres of land, in Hyde county; which taxes shall be collected and accounted for as other parish taxes, and shall be applied to the purpose of paying the parish debts and for the support of the poor in said counties.

III. *And be it further enacted,* That the Wardens of the poor for the aforesaid counties shall not be obliged to receive from the Sheriff or any other collector of parish taxes, any parish claim whatever.

IV. *And be it further enacted,* That the separate election held for the county of Currituck, at the house or plantation of Mr. Thomas Williams, on Knob's-island, shall in future be held on the Wednesday next preceding the second Thursday and Friday in August; and the election held at the house of Mr. Hezekiah Farrow, on Cape-Hatteras, shall in future be held on the Tuesday next preceding the first Friday and Saturday in August annually: *Provided always,* That the elections for the Wardens of the poor in the counties aforesaid shall be held at the court-house only, and on such days as have been appointed by law for that purpose.

V. *And be it further enacted,* That all clauses of acts that come within the purview and meaning of this act, be and they are hereby repealed and made void.

1, '84, 39, 123.* CHAP. LII. *An act to repeal part of an act passed at Hillsborough, in April, in one thousand seven hundred and eighty-four, entitled, "an Act for clearing and opening the navigation of Trent river, in Jones county."*

Private. I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the first recited act as directs the clearing and opening of Trent-river, from John Bryan's cowford to the mouth of Tuckahoe, be and the same is hereby repealed and made void.

CHAP. LIII. *An act to repeal part of the ſeventeenth ſection of an act paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-ſix, entitled, "an Act for eſtabliſhing a militia in this ſtate."* 1793.

1786, 22, 591.
Repealed by 1, '94, 2.

CHAP. LIV. *An act to eſtabliſh fairs in certain counties therein mentioned.*

Private.

WHEREAS it hath been repreſented to this General Aſſembly, that the eſtabliſhment of a fair at the Shallow-ford, in the county of Surry, and at the Brown-marſh, in the county of Bladen, would tend to the encouragement and promotion of induſtry and manufactures, and of general utility to the people in diſpoſing of and exchanging their ſtocks, produce and other commodoties:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That a fair be eſtabliſhed at ſuch place at or near the Shallow-ford, in the county of Surry, as the Commiſſioners appointed by this act, or a majority, ſhall think proper and moſt convenient; to begin on the fourth Thurſday in February, May, Auguſt and November, in each and every year, and to continue three days ſucceſſively in each enſuing term.

II. *And be it further enacted,* That Francis Poindexter, Caluin Wheaton, William M'Pherſon, Charles Hunt, William Sweatt, Philip Howard, Nathan Chaffin, ſenior, and Orman Kimbrough, be and they are hereby conſtituted and appointed managers of ſaid fair, and to fix upon the place at or near the Shallow-ford as aforeſaid, for the performing of the ſame.

III. *And be it further enacted,* That a fair be eſtabliſhed at the place laid off for that purpoſe at Havering Bower, on the Brown-marſh, in the county of Bladen, to begin annually on the ſecond Tueſdays in May and November, and to continue three days in each enſuing term.

IV. *And be it further enacted,* That James Cardy, Neill M'Couſkey, Captain Daniel Shaw, John M'Millan and John Taylor, be and they are hereby conſtituted and appointed managers of ſaid fair, at the Brown-marſh; and in caſe of death, refuſal to act, or removal of any of the ſaid managers, a majority of the remaining managers may appoint another or others in his or their ſtead.

V. *And be it further enacted,* That all citizens of the United States ſhall have and enjoy the privileges of ſelling, bartering and exchanging their produce, manufactures and other commodities at the fairs hereby eſtabliſhed, agreeable to the laws of this ſtate and the regulations of the managers of the ſaid fairs, inſtituted for that purpoſe.

CHAP. LV. *An Act for eſtabliſhing a town at the Narrows of Paſquotank-river, in the county of Paſquotank.*

Private

WHEREAS it hath been repreſented to this General Aſſembly that the eſtabliſhing a town at the Narrows of Paſquotank-river, in the county of Paſquotank, on the lands of Adam Tooley, would be conducive to the welfare of the county aforeſaid, and of public utility; and the ſaid Adam Tooley, and his wife Elizabeth Tooley, having ſignified their conſent to the ſame:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That John Lane, Iſaac Sawyer, Timothy Colter, Baily Jackſon and Benjamin Jones, or any three of them, be and they are hereby appointed Commiſſioners and Directors for the purpoſe of carrying on the ſaid town, and they ſhall ſtand ſeized in an indefeaſible eſtate in fee-ſimple in fifty acres of land, at the place aforeſaid, to and for the uſe and intents hereby declared, by a good and lawful deed of conveyance made by the ſaid Adam Tooley and his wife unto the ſaid Commiſſioners, or a majority of them, for the purpoſes aforeſaid; and the ground ſo agreed for, to be laid off in half acre lots on the back ground, and quarter acre lots on the water, at ſuch price for each lot as the ſaid Commiſſioners, or a majority of them, may think proper, and ſtreets not leſs than ſixty-ſix feet in width for the front principal ſtreets, and not leſs than thirty-three feet in width for the ſide and croſs ſtreets; which lots and ſtreets the ſaid Commiſſioners are required to lay down in a regular plat, numbering the lots therein laid down, and ſhall be called by the name of Redding.

II. *And be it further enacted by the authority aforeſaid,* That the Commiſſioners aforeſaid, as ſoon as fifty lots ſhall be ſubſcribed for, all the numbers of the lots of the ſaid town ſhall be placed in one box, and the names of the ſubſcribers in another, and when a name is drawn out and a number at the ſame time, his ſhall be the lot the number of which was drawn with his name, and the remaining numbers undrawn, and unſubſcribed, ſhall be veſted in the ſaid Commiſſioners for the uſe of ſaid

1793. town: *Provided always*, That this act ſhall not have effect until a ſufficient conveyance ſhall be executed to the Commiſſioners as aforeſaid for the lands agreed for to lay out ſaid town.

III. *And be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners, or a majority of them, are hereby empowered and required to grant a conveyance or conveyances for a lot or lots ſo drawn as aforeſaid by the ſubſcribers.

IV. *And be it further enacted by the authority aforeſaid*, That if any of the Commiſſioners hereby appointed ſhall refuſe to act, die, or remove out of the county, the ſurviving Commiſſioners ſhall be and are hereby empowered to elect one or more in the room of him or them ſo refuſing, dying or removing; and thoſe Commiſſioners ſo appointed, to have the ſame power and authority reſpecting the premiſes, as if they were appointed by the General Aſſembly.

CHAP. LVI. *An Act to grant a ſeparate general muſter and a ſeparate election in the county of Paſquotank.*

Private. WHEREAS it is repreſented to this General Aſſembly, by petition, that the peculiar ſituation of the inhabitants in the upper part of the ſaid county, renders it very difficult and expenſive, and often impoſſible, for them to attend at the court-houſe in ſaid county, to give their ſuffrages for members to repreſent them in the Congreſs of the United States, and in the General Aſſembly of this ſtate: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act it ſhall and may be lawful for the Sheriff of the ſaid county, or any of his proper deputies, and he or any of them are hereby authoriſed and required, to open an election on the ſecond Thurſday of Auguſt annually, at ſome convenient houſe at the Narrows of Paſquotank-river, in the county aforeſaid, for the convenience of the voters reſiding in the middle ground and in the upper part of the ſaid county, under the ſame rules preſcribed for holding general elections; and the ballots ſo taken ſhall be ſealed up by the Inſpectors of the poll, in the preſence of the Sheriff or his deputy, and by them tranſmitted to the court-houſe at Nixonton, under the care of the ſaid Sheriff or his deputy who held the ſaid election; and the ſaid ballots ſhall be counted out at the cloſe of the election at the ſaid court-houſe, and they are hereby declared to be a part of the election of ſaid county: *Provided*, That nothing herein contained ſhall deprive any perſon or perſons entitled to vote in ſaid county, who has not given his vote, from giving his ſuffrage at the court-houſe, on the day or days of the general election of ſaid county.

II. And whereas it is repreſented to this General Aſſembly, by petition, that it is inconvenient for the people in the upper end of ſaid county to attend general muſters at the town of Nixonton, in ſaid county: *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the county of Paſquotank ſhall be divided into two diſtricts, the upper diſtrict ſhall conſiſt of four companies belonging to the upper part of the ſaid county, and that the place for holding the general muſter in the ſaid diſtrict ſhall be at the Narrows of Paſquotank-river, under the ſame rules and regulations, and agreeable to the directions of an act eſtabliſhing a militia in this ſtate; and that the other diſtrict ſhall be compoſed of the remaining companies in the ſaid county, and that the place for holding the general muſter for the lower diſtrict ſhall be at the court-houſe, in the town of Nixonton, as hath been in uſe heretofore, under the ſame rules and regulations as other militia in this ſtate, any thing to the contrary notwithſtanding.

CHAP. LVII. *An Act for laying out a town on the lands of Thomas Matthews, in the county of Moore, near the court-houſe of ſaid county.*

Private. WHEREAS it is repreſented to this General Aſſembly, that the laying out a town on the lands of Thomas Matthews, in Moore county, would tend to the advantage of the citizens of ſaid county, and the ſaid Thomas Matthews having ſignified his conſent to have one hundred acres of land laid off for a town as aforeſaid:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid one hundred acres of land be laid off in acre lots,

and ſtreets of not leſs than fifty feet wide nor more than one hundred, with convenient alleys, and the ſame is hereby conſtituted and eſtabliſhed a town by the name of Alfordſton. 1793.

II. *And be it further enacted*, That John Cameron, Jacob Gaſter, Samuel Dun, Patrick Dowd and Duncan Patterſon, be and they are hereby conſtituted Commiſſioners for deſigning and carrying on the ſaid town, and they ſhall ſtand ſeized of an indefeaſible eſtate in fee-ſimple in and to the ſaid one hundred acres of land, for the uſe and purpoſes hereby declared; and the ſaid Commiſſioners or a majority of them ſhall have full power and authority to meet as often as they ſhall think neceſſary for the purpoſe aforeſaid.

III. *And be it further enacted*, That the Commiſſioners aforeſaid ſhall have full power and authority to do every thing reſpecting the regulation of the town, apportioning and drawing the lots, taking conveyances as well as conveying the ſame, in ſuch manner as they or a majority of them may think proper; and ſuch regulations ſhall be as good and valid in law, as if the ſame were herein mentioned and particularly enumerated and deſcribed.

CHAP. LVIII. *An Act to eſtabliſh an inſpection of tobacco on Dan river, at the mouth of Big-creek, on the land of Matthew Moore, in the county of Stokes, and for adding two more Truſtees to thoſe heretofore appointed for extending the navigation of Roanoke and Dan rivers.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the County Court of Stokes ſhall appoint two diſcreet perſons, well acquainted with the nature and quality of tobacco, to be Inſpectors thereof, at the place aforeſaid, who ſhall take the ſame oath, and be ſubject to the ſame rules, regulations and reſtrictions, and be entitled to the ſame benefits and emoluments, as other Inſpectors of tobacco are ſubject and entitled to in this ſtate: And all tobacco ſo inſpected ſhall be held and deemed merchantable, as if the ſame had been inſpected at any other inſpection in this ſtate. Private.

II. *And be it further enacted by the authority aforeſaid*, That as ſoon as the ſaid Matthew Moore ſhall have completed a ware-houſe for the reception of tobacco, at the mouth of the Big-creek as aforeſaid, it ſhall and may be lawful for him to demand and receive ſuch ſtorage on tobacco inſpected in the ſaid ware-houſe, as has heretofore been received in the other ware-houſes in this ſtate.

III. *And be it further enacted*, That Matthew Moore and John Martin be and they are hereby appointed Truſtees, in addition to thoſe heretofore appointed by an act of the laſt General Aſſembly, entitled, "An act to amend the ſeveral acts in force relative to the extending the navigation of Roanoke and Dan rivers," and whoſe powers and authorities ſhall be the ſame in all reſpects whatever with thoſe heretofore appointed, any thing to the contrary notwithſtanding. 1792, 26, 56.

CHAP. LIX. *An Act for laying out a town at the Saura-town Hill, in the county of Stokes, on the land of Peter Hairſton.*

WHEREAS it hath been repreſented to this General Aſſembly, that a town on the land of Peter Hairſton, at the Saura-town Hill, in the county of Stokes, would be conducive to the welfare of that and the adjoining counties: Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Charles M'Annaly, James Martin, David Dolton, John Halbert and Anthony Dearing, or a majority of them, be and they are hereby appointed Commiſſioners, to contract with the ſaid Peter Hairſton for fifty acres of land, and the ground ſo agreed for to lay off in half acre lots, at ſuch price for each of the ſame as the Commiſſioners or a majority of them may think proper, and into ſtreets not leſs than ſixty-ſix feet in width; which lots and ſtreets the ſaid Commiſſioners are required to lay down in a regular plat, numbering the lots therein laid down; which ground ſo laid off ſhall be diſtinguiſhed and known by the name of Hairſtonborough.

II. *And be it further enacted by the authority aforeſaid*, That the Commiſſioners aforeſaid, as ſoon as a ſufficient number of the ſaid lots ſhall be ſubſcribed for, all the numbers of the lots of the ſaid town ſhall be placed in one box, and the names of the ſubſcribers in another, and when the name being drawn out and a number at the ſame time, his ſhall be the lot the number of which was drawn with

1793. his name, and the remaining numbers undrawn and unſubſcribed, ſhall be veſted in the Commiſſioners for the uſe of ſaid town: *Provided always*, That this act ſhall not have effect until the ſaid Peter Hairſton ſhall execute a ſufficient deed to the Commiſſioners aforeſaid, and to their ſucceſſors, of the lands agreed for as aforeſaid for the laying off the ſaid town.

III. *And be it further enacted by the authority aforeſaid*, That the Commiſſioners, or a majority of them, are hereby empowered to receive the ſame, and to grant a certificate of the lot or lots when drawn by the ſubſcribers, which is hereby declared to veſt in them reſpectively a good and ſufficient title in law.

IV. *And be it further enacted by the authority aforeſaid*, That if any of the Commiſſioners hereby appointed ſhall refuſe to act, die, or remove out of the county, the ſurviving Commiſſioners ſhall be and they are hereby empowered to elect another in the room of him or them ſo refuſing, dying or removing.

CHAP. LX. *An Act to appoint Commiſſioners to contract for building a court-houſe, priſon and ſtocks in the city of Raleigh, and to alter the time of holding the Courts of Wake county.*

The firſt part of this act temporary. Private.

III. AND *be it further enacted*, That when a majority of the Juſtices of Wake county ſhall judge that the court-houſe to be erected purſuant to this act is fit for their reception, they are hereby empowered to adjourn the court of the ſaid county to the ſaid court-houſe, in the city of Raleigh, where the courts of the ſaid county ſhall thereafter be held.

IV. *And be it further enacted by the authority aforeſaid*, That the courts for the county of Wake ſhall hereafter be conſtantly held on the third Mondays in march, June, September and December, and all proceſs returnable to the ſaid courts ſhall be returnable on the days aforeſaid.

CHAP. LXI. *An Act to eſtabliſh a town and inſpection of tobacco in Rockingham county, at the confluence of Smith and Dan rivers.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That William Bathell, Abraham Phillips, Peter Terry, Nathaniel Seales, John Riggins and Joſhua Smith, be and they are hereby appointed Commiſſioners, to contract for any quantity or number of acres of land contiguous to and moſt convenient for the eſtabliſhment of a town at the confluence of Smith and Dan rivers; and as ſoon as they ſhall effect the ſame to proceed to lay off ſaid land into lots, in ſuch manner as they ſhall deem moſt convenient and neceſſary for the ſame; *provided*, that no lot ſhall contain more than one half acre of land; and that as ſoon as ſaid tract or parcel of land ſhall be laid off into lots, it ſhall be and the ſame is hereby eſtabliſhed a town, and ſhall be called and known by the name of Danville.

II. *And be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners ſhall, as ſoon as convenient after laying off ſaid town, proceed to ſell the lots at public auction, giving ten days previous notice of the time of ſaid ſale, and to execute deeds of conveyance to the purchaſer or purchaſers for the ſame, in the name of the Commiſſioners; and the ſaid Commiſſioners ſhall and they are hereby declared to have full power and authority to form ſuch rules, regulations and reſtrictions, relative to the ſaid town, as may from time to time be deemed expedient and neceſſary, not inconſiſtent with the conſtitution.

III. *And be it further enacted by the authority aforeſaid*, That the ſaid Commiſſioners, or a majority of them, ſhall and they are hereby declared to have full power and authority to act as ſuch; and in caſe of reſignation or refuſal of any of the aforeſaid Commiſſioners, that then and in that caſe it ſhall and may be lawful for the other ſaid Commiſſioners to nominate and appoint ſome other perſon or perſons to fill ſuch vacancy, who ſhall have equal power and authority with the other ſaid Commiſſioners by this act appointed.

IV. *And be it further enacted*, That as ſoon as the ſaid town ſhall be laid out as by this act directed, and a good and ſufficient houſe or houſes erected for the ſtorage of tobacco, it ſhall and may be lawful for the County Court of Rockingham annually to appoint two diſcreet perſons, well acquainted with the nature and quality of tobacco, to be Inſpectors thereof, who ſhall take the ſame oaths, be ſubject to the ſame rules, regulations and reſtrictions, and be entitled to the ſame fees and emolu

ments as other Inſpectors of tobacco within this ſtate; and all tobacco ſo inſpected at ſuch inſpection, ſhall be held and deemed merchantable, as if inſpected at any other inſpection within this ſtate: And the Turners up ſhall be appointed in the ſame manner, and ſhall be entitled to receive the ſame fees as Turners up at other inſpections within this ſtate. 1793.

V. *And be it further enacted*, That it ſhall and may be lawful for the owner or owners of ſaid ware-houſe to receive for the ſtorage of tobacco the ſame fees as are demanded and received at any other ware-houſe within this ſtate.

CHAP. LXII. *An Act to empower the County Court of Johnſton to lay a tax annually in the ſaid county, for the purpoſe of repairing the court-houſe, priſon and ſtocks, and defraying the contingent charges of the ſaid county.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid County Court of Johnſton ſhall be authoriſed and empowered annually to lay a tax not exceeding four ſhillings on every poll, and a tax not exceeding one ſhilling and four-pence on each and every hundred acres of land, and a tax not exceeding four ſhillings on every hundred pounds value of town lots with their improvements, in the ſaid county of Johnſton, for the purpoſes aforeſaid. Private.

II. *And be it further enacted*, That the ſaid taxes ſhall be collected by the perſons appointed to collect the public taxes, and accounted for in the ſame manner and under the ſame reſtrictions as other public taxes.

CHAP. LXIII. *An act to amend an act, paſſed at Newbern, in the year one thouſand ſeven hundred and ſeventy ſeven, entitled, "An act to encourage the building of public mills, and directing the duty of millers."* 2, '77, 23, 343.

WHEREAS it is provided in the tenth ſection of the before recited act, that millers ſhall not take more toll for grinding than one ſixth part of Indian corn, and one eighth part of wheat, in the diſtricts of Edenton, Newbern, Wilmington and Halifax, which is found to be more than ſufficient in the diſtricts of Halifax and Fayetteville: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of May next, the millers in the diſtricts of Halifax and Fayetteville ſhall not take more for grinding than one eighth part of the Indian corn, and one eighth of wheat, any thing to the contrary notwithſtanding.

CHAP. LXIV. *An Act to divide the militia of Orange county into two ſeparate regiments.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the militia of Orange county ſhall be divided into two regiments, to wit, the companies of Captains Charles Chriſtmaſs, James Chriſtmaſs, Hodge, Bird, Griffin, Wilſon, Carrington, Cabe, Foreſter, Rhodes, Rilwell and Cummins, to compoſe the firſt regiment, and ſhall muſter as uſual at Hillſborough, and be called the Hillſborough regiment; and that all the militia of the ſaid county of Orange, living on the ſouth-weſt ſide of Haw-river and Stony-creek, together with all the militia who have heretofore muſtered under Captains Hutſon, Stockheart and Robiſon, to compoſe the ſecond regiment, and ſhall in future hold their regimental muſters at the houſe of Tobias Smith, and ſhall be called the Haw-river regiment. Private.

II. *And be it further enacted*, That the commanding officer of each regiment in the county aforeſaid, ſhall in every year cauſe regimental muſters, agreeable to the militia law, to be made of their reſpective regiments at the places mentioned in this act.

CHAP. LXV. *An Act to alter and confirm the names of certain perſons therein mentioned.*

WHEREAS Willis Upton hath ſignified his wiſh to this General Aſſembly to confirm the name of Heſter Mercer, begotten by him the ſaid William Upton before his intermarriage with Dinah Private.

1793. Mercer: And whereas William Whiteſide and John Cole hath alſo ſignified their wiſh that their names ſhould be altered to that of William Franklin Whiteſide, and to that of John Spruill:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That forever hereafter the ſaid Heſter Mercer ſhall be called and known by the name of Heſter Upton, the ſaid William Whiteſide ſhall be called and known by the name of William Franklin Whiteſide, and the ſaid John Cole ſhall be called and known by the name of John Spruill.

II. *And be it further enacted,* That the ſaid perſons, agreeable to their names as above altered and confirmed, ſhall have, inherit, poſſeſs and enjoy any eſtate or property that may be deviſed to them, or either of them, by any perſon or perſons whatever; and it ſhall and may be lawful for the ſaid perſons, by their names as now altered and confirmed, to ſue and be ſued, plead and be impleaded, in any court of law whatſoever, and alſo to ſell and purchaſe any property whatſoever.

III. And whereas it is the earneſt requeſt of William Borritz, of the county of Chowan, that his natural ſons James and John ſhall be known and called by the name of James Borritz and John Borritz: *Be it therefore enacted by the authority aforeſaid,* That the aforeſaid James and John be known, diſtinguiſhed and called by the name of John Borritz and James Borritz; and by that name ſhall take and claim any eſtate, either real or perſonal, which may be diviſed to them, in the ſame manner as if they had been born in wedlock; and by the ſame name ſhall and may inherit, have, poſſeſs and enjoy any eſtate or property that may be deviſed to them by any perſon or perſons whatever.

CHAP. LXVI. *An Act to appoint Commiſſioners for diſpoſing of part of the ground appropriated for the uſe of public buildings in the county of Perſon.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that the Commiſſioners heretofore appointed have procured ſix acres of land whereon to fix the ſaid buildings, deeded to them in fee-ſimple for the uſe of the county, and ſome doubts have ariſen with them whether they were empowered to make ſale and convey deeds to any part thereof, and the diſpoſing of one or more lots of ſaid ground would contribute to the leſſening the county tax:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Stephen Moore, John Given, John Campbell, John Womack and Thomas Neely, Eſquires, or any three of them, be authoriſed and empowered to ſurvey the ſaid ſix acres of land off in lots, (reſerving a ſufficiency of the ſame for the uſe of the public buildings, including the ſprings) and make ſale of ſo much thereof, either in one or more lots, as to them ſhall ſeem moſt adviſable, which ſaid Commiſſioners ſhall take bonds with ſufficient ſecurity for the payment thereof, payable to them, for the uſe of the county.

II. *And be it further enacted by the authority aforeſaid,* That the ſaid Commiſſioners, or any three of them, are hereby authoriſed and empowered to convey by deed or deeds the ſaid land or lands to the purchaſer or purchaſers, as the caſe may be, in fee-ſimple, reſpectively, to them, their heirs and aſſigns forever, in as full and ample a manner as if the ſaid lands had been originally conveyed to them for the purpoſes aforeſaid: *Provided neverthelefs,* That the ſaid Commiſſioners ſhall firſt give bond with ſufficient ſecurity, payable to the Chairman of the County Court and his ſucceſſors, for the faithful accounting to the ſaid court for all monies received by them by virtue of their appointment, and the executing the truſt repoſed in them by this act.

III. *And be it further enacted by the authority aforeſaid,* That if any of the Commiſſioners hereby appointed ſhall refuſe to act, die, or remove out of the county, the ſurviving Commiſſioners ſhall be and they are hereby empowered, to elect another in the room of him or them ſo refuſing, dying or removing; which ſaid Commiſſioner or Commiſſioners ſo appointed ſhall from thenceforth have the ſame power and authority, in all things concerning the matters herein contained, as if he or they had been expreſsly nominated and appointed by this act.

CHAP. LXVII. *An Act to eſtabliſh fairs in the counties of Mecklenberg and Lincoln.*

Private.

WHEREAS it hath been repreſented to this General Aſſembly, that eſtabliſhing fairs at the court-houſe in Mecklenberg and Lincoln counties would tend to encourage and promote induſtry and

manufactures, and be of great utility to the people in diſpoſing of and exchanging their ſtocks, produce and other commodities: 1793.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That a fair be eſtabliſhed at the court-houſe in Mecklenberg county, to begin annually on the third Wedneſday in May and November, and to continue two days at each enſuing term.

II. *And be it further enacted*, That John Springs, Richard Maſon, Charles Alexander, ſenior, Andrew M'Ree and George Smart, be and they are hereby conſtituted and appointed managers of the ſaid fair at Mecklenberg court-houſe; and in caſe of death, refuſal to act or removal of any of the ſaid managers, a majority of the remaining managers may appoint another or others in his or their ſtead.

III. *And be it further enacted*, That a fair ſhall be eſtabliſhed at the court-houſe in the county of Lincoln, to begin annually on the ſecond Tueſday in May and November, and continue two days at each enſuing term.

IV. *And be it further enacted*, That Daniel M'Kiſſick, John Fullenwider, Matthew Atkinſon, Abſalom Bonham and Chriſtian Rhineheart, be and they are hereby conſtituted and appointed managers of the ſaid fair, at the court-houſe in the county of Lincoln; and in caſe of death, removal, or refuſal to act of any of the ſaid managers, the remaining managers may appoint another or others in his or their ſtead.

V. *And be it further enacted*, That all citizens of the United States ſhall have and enjoy the privilege of ſelling, bartering and exchanging their produce, manufactures and other commodities at the fairs hereby eſtabliſhed, agreeable to the laws of this ſtate and the regulations of the managers of the ſaid fairs inſtituted for that purpoſe.

CHAP. LXVIII. *An Act to repeal ſo much of an act paſſed in the year one thouſand ſeven hundred and eighty-nine, entitled, "An act to empower the Wardens of the poor for the counties of Franklin, Orange and Surry to build a houſe or houſes for the reception of the poor, and for amending the Wilmington town law," as reſpects the county of Franklin, and for appointing Commiſſioners to diſpoſe of the poor houſe in the ſaid county of Franklin.* 1789, 68; 234.*

WHEREAS in conſequence of the before recited act the Wardens of the poor of Franklin county have proceeded to erect a houſe for the reception of the poor, which ſaid houſe is entirely uſeleſs, and the deſire of the people of ſaid county is that the ſaid houſe ſhould be ſold: Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That William Lancaſter, Thomas Brickell and Daniel Jones, Eſquires, be appointed Commiſſioners, who are hereby empowered and required to make ſale of, in ſuch manner as they may think beſt, the before mentioned houſe, and as much of the public lands whereon it ſtands as they may think proper, not exceeding one acre.

II. *And be it further enacted*, That the money ariſing from the ſale of ſaid houſe and land ſhall be applied to the uſe of the poor; and that ſo much of the before recited act as comes within the meaning of this act be repealed.

CHAP. LXIX. *An Act for eſtabliſhing an inſpection of tobacco, flour, beef and pork, on the land of Matthew Brooks, at or near the Shallow-ford, in Surry county.*

WHEREAS an inſpection of tobacco, flour, beef and pork, at the Shallow-ford, on the Yadkin-river, in the county of Surry, will be highly advantageous to the good people in the town adjoining thereto, the neighbourhood and country in general: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the County Court of Surry ſhall appoint two or more diſcreet perſons, well acquainted with the nature and quality of tobacco, flour, beef and pork, to be Inſpectors thereof, at the place where the ſaid Matthew Brooks ſhall erect a ware-houſe, who ſhall take the ſame oath, and be ſubject to the ſame rules, regulations and reſtrictions, and be entitled to the ſame

1793.

benefits and emoluments, as other Inſpectors of tobacco, flour, beef and pork are ſubject and entitled to in this ſtate; and all tobacco, flour, beef and pork, ſo inſpected, ſhall be held and deemed merchantable, as if the ſame had been inſpected at any other inſpection in this ſtate.

II. *And be it further enacted by the authority aforeſaid*, That as ſoon as the ſaid Matthew Brooks ſhall have completed a ware-houſe, for the reception of tobacco, flour, beef and pork, it ſhall and may be lawful for him to demand and receive ſuch ſtorage, for the produce ſo inſpected, as has heretofore been received in other ware-houſes in this ſtate.

CHAP. LXX. *An Act to eſtabliſh a ſeparate election and general muſter in the county of Carteret.*

Private.

WHEREAS it hath been repreſented to this General Aſſembly, by petition from a number of the inhabitants in ſaid county, living between White-Oak-river and Newport-river, that it is almoſt impoſſible for them to attend elections and general muſters at the court-houſe: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the Sheriff of Carteret county or his lawful deputy, ſhall annually on the laſt Thurſday in July open and hold an election at the houſe or plantation of Hillery Herbert, Eſquire, near Broad-creek, for the conveniency of the voters in the upper part of ſaid county, under the ſame rules, regulations and reſtrictions as are preſcribed by law for holding the ſeparate election at Portſmouth, in ſaid county: *Provided*, That nothing herein contained ſhall bar any perſon from voting at the election held at the court-houſe, that has not given his vote at one of the ſeparate elections in ſaid county.

II. *And be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, all that part of Carteret county weſtward of Newport-river, ſhall be formed into a ſeparate diſtrict, and ſhall hold their general muſters at the houſe or plantation of Hillery Herbert, Eſquire, near Broad-creek, on ſuch day as the Colonel or commanding officer of ſaid county may appoint for that purpoſe, under the ſame rules and regulations as is directed by the militia laws of this ſtate; and the Colonel or ſome one of the field officers of the county aforeſaid ſhall attend at the ſeparate general muſter appointed by virtue of this act, to make returns agreeable to law, any cuſtom, uſage or law to the contrary notwithſtanding.

Temporary.

CHAP. LXXI. *An act to empower the County Court of Iredell to lay an additional tax to complete the public buildings of the ſaid county, in the town of Stateſville.*

CHAP. LXXII. *An act for altering the name of William M'Farland to that of William Douglaſs.*

Private.

WHEREAS it is the earneſt requeſt of William M'Farland, of Perſon county, that his name ſhould hereafter be called and known by the name of William Douglaſs:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act the name of William M'Farland ſhall be altered to that of William Douglaſs, and that he ſhall henceforth be called and known by the ſaid name, and by the ſaid name he ſhall and may ſue and be ſued, plead and be impleaded, in any Court of law or equity, and obtain and poſſeſs land and all other ſpecies of property, by will, deviſe, donation, grant, purchaſe or otherwiſe, and he may by his name aforeſaid ſell and diſpoſe of land or other property already or hereafter to be acquired; and finally, in all things, the ſaid William ſhall be able and capable in law or equity of negociating and tranſacting all manner of buſineſs, by his name herein before mentioned, in as full and ample manner as if he had been called and known by no other name from the time of his nativity, any law, cuſtom or uſage to the contrary notwithſtanding.

CHAP. LXXIII. *An act to empower John Warrington, of Tyrrell county, to keep up a gate on the county road leading from Wynn's ferry to Hunt's creek, in said county.* 1793.

Private.

WHEREAS it is represented to this General Assembly, by petition, that erecting and keeping up a gate on the public road leading through Will's Island to Hunt's creek, would be advantageous to the inhabitants thereof:

I. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That John Warrington, or his heirs, are hereby authorised and empowered to erect and keep up a sufficient gate across the public road in the Great-Swamp, to the westward of Will's Island.

II. *And be it further enacted*, That if any person shall pull down or destroy the aforesaid gate, when erected agreeable to this act, such person or persons shall forfeit for each offence the sum of three pounds, to be recovered before any Justice of the Peace in said county having cognizance thereof, one half to the use of him or them that shall sue for the same, and the other half to the use of the county; and if any person or persons shall leave the aforesaid gate open, they shall forfeit for every offence the sum of five shillings, to be recovered and applied in like manner, any law, usage or custom to the contrary notwithstanding.

Read three times and ratified, in General Assembly, the 11*th day of January, Anno Domini* 1794.

WILLIAM LENOIR, *S. S.*
J. LEIGH, *S. H. C.*

Copy,
J. GLASGOW, *Secretary*.

ACTS OF GENERAL ASSEMBLY.

1794.

RICHARD D. SPAIGHT, Esq. Governor.

At a GENERAL ASSEMBLY, begun and held at Newbern, on the Seventh Day of July, in the Year of our Lord, One Thousand Seven Hundred and Ninety-Four, and in the Nineteenth Year of the Independence of the said State—Being the Second Session of the said Assembly.

CHAP. I. *An act to cede to the United States of America certain lands, upon the condition therein mentioned.*

Preamble.

I. WHEREAS the Congress of the United States have passed an act to provide for the defence of certain ports and harbours in the United States, in which is comprised Cape-Fear river and Occacock inlet, and also an act to erect a light house on the head land of Cape-Hatteras; and whereas, it is expedient, that the United States, should have the exclusive jurisdiction of a sufficient quantity of land, on which said forts and light-houses shall be erected.

Land ceded in Smithville,

II. *Be it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That part of the public ground, laid off by the Commissioners of Smithville, for a fort on Cape-Fear river, including part of the ground, whereon Fort-Johnston formerly stood, with the exclusive jurisdiction thereof, shall be and the same is hereby ceded to the United States of America, under the condition herein after mentioned.

Beacon Island, and Cape-Hatteras.

III. *And be it further enacted by the authority aforesaid,* That the exclusive jurisdiction of Beacon island, in the harbour of Occacock, and four acres of land, at the head land of Cape-Hatteras, and also so much of the town of Smithville, adjoining Fort-Johnston as may be found necessary for the said fort, not exceeding six acres shall be ceded and stand vested in the United States, as soon as the proprietors of said lands shall convey the same to the United States.

Condition.

IV. *And be it further enacted,* That the above mentioned lands are and shall be ceded to the United States, upon the express condition, that the fortifications, light houses and beacons, for which the said lands are ceded, or to be ceded shall be erected within three years and be continued and kept up forever thereafter for the public use.

Restriction.

V. *And be it further enacted,* That nothing herein contained, shall be so construed, as to debar or hinder any of the officers of this state from serving any process or levying executions within the limits ceded by this act, to the United States, in the same manner and to the same effect, as if this act had never been made.

CHAP. II. *An Act to amend an act passed at Fayetteville, in the year one thousand seven hundred and ninety-three, entitled, "An act to carry into effect an act of Congress, entitled, an act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," and to repeal an act passed at Fayetteville in the year one thousand seven hundred and eighty-six, entitled, "An act for establishing a militia in this state."*

1793, 1, 81.

1786, 22, 591.

Militia, how composed,

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That all free men and indented servants, citizens of this state, or the United States, resident in this state, who are or shall be of the age of eighteen and under forty-five years, except as herein after excepted, shall as soon as is practicable, be severally and respectively enrolled in the militia by the captain or commanding officer of the company within the bounds of whose district, to be allotted him by the court-martial, such citizen shall reside: And it shall at all times hereafter be the duty of every captain, or commanding officer of any company, to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen

years, and under the age of forty-five, except as herein after excepted, come to reſide within his bounds, and remain therein thirty days; and ſhall, without delay, notify ſuch citizen of the ſaid enrolment, by a proper non-commiſſioned officer of the company, by whom ſuch notice may be proved; that every citizen ſo enrolled and notified ſhall within ſix months thereafter provide himſelf with a good muſket or firelock, a ſufficient bayonet and belt, two ſpare flints, a knapſack, a pouch with a box therein to contain not leſs than twenty-four cartridges ſuited to the bore of his muſket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapſack, ſhot pouch and powder horn, twenty balls ſuited to the bore of his rifle, and a quarter of a pound of powder; and ſhall appear ſo armed, accoutred and provided when called out to exerciſe or into ſervice; except that when called out on company days to exerciſe only he may appear without a knapſack; that the commiſſioned officers ſhall ſeverally be armed with a ſword or hanger, and eſpontoon; and that on or before the eighth day of May one thouſand ſeven hundred and ninety-ſeven, all muſkets for arming the militia as herein required ſhall be of bores ſufficient for balls of the eighteenth part of a pound; and every citizen ſo enrolled and providing himſelf with the arms, ammunition and accoutrements required as aforeſaid, ſhall hold the ſame exempted from all ſuits, diſtreſſes, executions or ſales for debt, or for the payment of taxes.

armed and equipped.

Muſket's bore in 1797.

Arms not ſeizable.

Exempts.

II. *And be it further enacted*, That the Vice-Preſident of the United States, the officers judicial and executive of the government of the United States, the members of both houſes of Congreſs and their reſpective officers, the Judges of the Superior Courts of Law and Equity, Counſellors of State, the Secretary, Treaſurer, Comptroller, Attorney-General, Solicitor-General, Printer to the State, Juſtices of the Peace, High Sheriffs of the ſeveral counties in this ſtate, Miniſters of the goſpel of every denomination that are properly and regularly ordained, having the cure of ſouls, the Clerks of the ſeveral courts of record within this ſtate, all Quakers, Moravians, Dunkards, or Menoniſts, all Cuſtom-houſe Officers with their Clerks; all Poſt-Officers and ſtage drivers, who are employed in the care and conveyance of the mail of the Poſt-Office of the United States; all continental Officers who have ſerved with reputation three years or until the end of the war, unleſs ſooner deranged by a reform of the army, and thoſe who have ſerved as field Officers of the Militia with reputation for three years, all Ferrymen employed at any ferry on the poſt or public roads, provided the ſame ſhall not exceed the ſuperintendant and one other; all Inſpectors of exports; all branch Pilots; all Mariners actually employed in the ſea ſervice of any citizen or merchant within the United States; all Officers and Students of the Univerſity, and all other ſeminaries of learning in this ſtate, particularly eſtabliſhed by law, ſhall be and are hereby exempted from militia duty. *Provided always*, That nothing herein contained ſhall be conſtrued ſo as to exempt any perſon from performing duty in caſe of inſurrection or invaſion in this ſtate.

Proviſo.

III. *And be it further enacted*, That every perſon liable to do militia duty, who may be deemed in circumſtances ſufficient to equip himſelf, by the commiſſioned officers of his company, and who ſhall fail to do the ſame as herein required, ſhall forfeit and pay for each deficiency as follows, *viz*: for the want of a good ſerviceable muſket, rifle or firelock, the ſum of two ſhillings and ſix-pence; a pouch with a box of the capacity deſcribed, or ſhot-pouch and powder-horn, the ſum of one ſhilling; flints, cartridges, or powder and ball, as required, the ſum of one ſhilling; bayonet, after the eighth day of May one thouſand ſeven hundred and ninety-ſeven, the ſum of one ſhilling. And all parents, maſters and guardians, ſhall furniſh thoſe of the ſaid militia who ſhall be under their care and command with the arms and equipments above mentioned, under the like penalties for any neglect.

Fines for appearing without arms or ammunition.

IV. *And be it further enacted*, That all commiſſioned officers ſhall take rank according to the date of their commiſſions, and when two or more of the ſame grade bear an equal date, then their rank ſhall be determined by lot to be drawn by them before the commanding officer of the diviſion, brigade, regiment, battalion, company or detachment; and each Superior Court diſtrict ſhall form at leaſt one brigade, and each county at leaſt one regiment, and when the ſame be convenient each regiment ſhall conſiſt of two battalions, each battalion of five companies, and each company of ſixty-four privates: That the militia ſhall be officered as follows, to each diviſion, one Major-General and two Aids-de-Camp, with the rank and pay of Major, to be appointed by the Major-General; to each brigade one Brigadier-General with one Aid-de-Camp, and one brigade Inſpector, to ſerve alſo as brigade Major, with the rank and pay of Major to be appointed by the Brigadier-General; to each regiment one Lieutenant-Colonel Commandant, and to each battalion one Major; which general, regimental and

Officers how to rank.

Militia how divided and officered.

1, 1794.

field officers ſhall be appointed by the Senate and Houſe of Commons: *Provided* that if any regiment or battalion is at this time officered in a different manner, the commiſſions ſhall continue until by vacancies happening, it ſhall be practicable to arrange the appointments agreeable to this act. And to each company one Captain, one Lieutenant, one Enſign, four Serjeants, four Corporals, one Drummer, one Fifer or Bugler: that there ſhall be a regimental ſtaff, to conſiſt of one Adjutant and one Quarter-Maſter to rank as Lieutenants, one Pay-Maſter, one Surgeon and one Surgeon's Mate, to be appointed by the commanding officer of the regiment, and one Serjeant-Major, one Drum-Major and one Fife-Major to each battalion, to be appointed by the commanding officers thereof. And the non-commiſſioned officers, drummers, fifers, buglers, trumpeters and farriers ſhall depend on the appointment of the Captain of each company or troop, who are hereby empowered to make the ſame; the commiſſioned officers of the companies of artillery ſhall be recommended by the Brigadier-General of the diſtrict, and of the troop of horſe by the field officers of the regiment of cavalry, and the commiſſioned officers of the companies in the infantry ſhall be recommended by the field officers of the regiment, to the Governor; who ſhall iſſue commiſſions to fill all the above mentioned appointments and recommendations, and the general and field officers as well as all other commiſſioned officers ſhall reſide in the diſtricts or companies which they reſpectively command. *Provided nevertheleſs*, That the above arrangement ſhall not affect any appointment hitherto made.

Officers to reſide in the diſtrict they command. Proviſo.

V. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there ſhall be formed for each battalion at leaſt one company of grenadiers, light infantry or rifle-men, and that to each diviſion there ſhall be at leaſt one company of artillery and to each regiment at leaſt one troop of horſe: there ſhall be to each company of artillery one Captain, two Lieutenants, four Serjeants, four Corporals, ſix Gunners, ſix Bombardiers, one Drummer and one Fifer, and fifty-two Matroſſes; the officers to be armed with a ſword or hanger, a fuſee, bayonet and belt, with a cartridge box containing twelve cartridges, and each private or matroſs ſhall furniſh himſelf with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There ſhall be to each troop of horſe one Captain, two Lieutenants, one Cornet, four Serjeants, four Corporals, one Saddler, one Farrier, one Trumpeter and ſixty-four Dragoons: the commiſſioned officers to furniſh themſelves with good horſes of at leaſt fourteen hands and an half high, and to be armed with a ſword and a pair of piſtols, the holſters of which to be covered with bear ſkin caps; each dragoon to furniſh himſelf with a ſerviceable horſe fourteen hands and an half high, a good ſaddle, bridle, mail pillion and valiſe, holſters, a breaſt plate and crupper, a pair of boots and ſpurs, one piſtol, a ſabre and cartouch box to contain twelve cartridges for piſtols. *Provided*, That no perſon ſhall be enrolled in any troop of horſe until approved of by a majority of the field officers of the regiment to which he belongeth, but ſhall until then and afterwards, till he equips himſelf agreeable to law, do his duty in the infantry; that each company of artillery and troop of horſe ſhall be formed of volunteers from the brigade at the diſcretion of the commander in chief of the ſtate, not exceeding one company of each to a regiment, nor more in number than the eleventh part of the infantry, and ſhall be uniformly clothed in regimentals to be furniſhed at their own expence; the color and faſhion to be determined by the Brigadiers commanding the brigade to which they belong.

Grenadiers, rifle-men, artillery and horſe how officered and equipped.

VI. And whereas ſundry corps of artillery, cavalry and infantry now exiſt in this ſtate, *Be it enacted*, that ſuch corps retain their accuſtomed privileges; ſubject nevertheleſs to all other duties required by this act, in like manner with the other militia, and provided they have complied, or, within ſix months after the paſſing of this act, ſhall comply with the regulations of their reſpective corps; in failure whereof, they are hereby returned to the infantry, and required to do duty in the ſame.

Privilege of certain corps, preſerved.

VII. *And be it further enacted*, That each battalion and regiment ſhall be provided with the ſtate, and regimental colors by the field officers in ſuch manner as is herein directed.

Colours how provided.

VIII. *And be it further enacted*, That it ſhall be the duty of the Adjutant-General to diſtribute all orders from the commander in chief of the ſtate to the ſeveral corps; to attend at public reviews, if required, when the commander in chief of the ſtate ſhall review the militia or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the ſyſtem of military diſcipline eſtabliſhed by this act; to furniſh blank forms of different returns that may be required and to explain the principles on which they ſhall be made; to demand and receive from the ſeveral officers of the different corps throughout the ſtate, returns of the militia under their command, reporting the actual ſituation of their arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and diſcipline; all which the ſeveral offi-

Adjutant-General's duty.

cers of the diviſions, brigades, regiments and battalions are hereby required to make in the manner herein directed, that the ſaid Adjutant-General may be duly furniſhed therewith previous to the annual meeting of the General Aſſembly; from all which returns he ſhall make proper abſtracts and lay the ſame with a report of the general ſtate of the militia, magazines, and military ſtores, and alſo of ſuch improvements as he may think neceſſary to advance the diſcipline and benefit of the militia, annually on the firſt week of the ſitting of ſaid Aſſembly before the commander in chief of the ſtate; who is required to lay the ſame without delay before the ſaid Aſſembly. And the Adjutant-General ſhall alſo annually make a return of all the militia of the ſtate to the Preſident of the United States. And it ſhall be the further and eſpecial duty of the ſaid Adjutant-General to give information againſt and proſecute in behalf of the ſtate all Major and Brigadier-Generals who ſhall fail or neglect to review their reſpective diviſions and brigades agreeable to the directions of this act; and to the end that he may receive information whether the ſaid duty has been performed, the commanding officer of each regiment, under the penalty of twenty-five pounds for each neglect, is hereby required to forward to the ſaid Adjutant-General a duplicate of the annual return made to the Brigadier, at the bottom of which he ſhall report whether or not his regiment was reviewed by the Major-General or Brigadier, and at what time; in failure of which before recited duties, he ſhall ſuffer the following fines and puniſhments, that is to ſay, for not attending all public reviews when required by the Governor or commander in chief of the ſtate, twenty-five pounds for each neglect; for not furniſhing blank forms, as required by this act, the ſame to be forwarded in due time to the Inſpectors of brigades, the ſum of five pounds for each neglect; the ſaid fines to be recovered before any juriſdiction having cognizance thereof, one half to the uſe of the informer, the other half to the uſe of the ſtate; for not diſtributing all orders from the commander in chief of the ſtate, or for not making returns, information and proſecution, as required by this act, upon conviction of either, before a general court-martial, to be ordered by the Governor, he ſhall be caſhiered and rendered incapable of ever after holding a military appointment under the authority of the ſtate. And to compenſate him for the ſaid ſervice, he is hereby allowed a ſalary of one hundred pounds, to be paid him by the Treaſurer, on a warrant from the Governor, which ſhall be granted at his receipt of each annual return, as herein required.

1, 1794.

and penalties in caſe of negligence.

Salary.

IX. *And be it further enacted*, That the rules approved and eſtabliſhed by Congreſs, in their reſolution of the twenty-ninth of March, ſeventeen hundred and ſeventy-nine, ſhall be the rules of diſcipline, to be obſerved by the militia of this ſtate, except, ſuch alterations as may be rendered neceſſary by the requiſitions of this act, or by ſome other unavoidable circumſtance: it ſhall be the duty of the commanding officer at every muſter, whether by battalion, regiment, or ſingle company, to cauſe the militia to be exerciſed and trained agreeable to the ſaid rules of diſcipline, a copy of which and one of Baron Steuben's military guide, complete with the drafts, alſo the continental articles of war, together with this act, it ſhall be conſidered part of the public printer's duty to furniſh for every officer in each brigade, down to the grade of Captain incluſively; for which he ſhall be allowed by the next General Aſſembly, where ſaid copies ſhall be delivered by the firſt day of January next, to the Brigadier of each diſtrict, who ſhall cauſe them to be diſtributed to the ſeveral officers above deſcribed, and that there ſhall be taken from each a receipt and obligation to return the ſame, for the uſe of his ſucceſſor, on vacating his commiſſion.

Rules of diſcipline

Books provided for Officers.

X. *And be it further enacted*, That it ſhall be the duty of the Brigade-Inſpector, to attend at the regimental or battalion parades, the day preceding each regimental or battalion muſter, when and where the officers of the companies ſhall attend, and the Brigade-Inſpectors, are hereby required to train and inſtruct, the ſaid officers in the duty of their ſtations reſpectively, by explaining the principles, on which the different manœuvres in the ſyſtem of diſcipline eſtabliſhed are to be performed; the utility and neceſſity of being acquainted with the different formations and changes of poſition, marching, wheeling and other proper movements; together with the manual exerciſe and the different methods of firing by platoons, and by recommending, what exerciſe and manœuvres, ſhall be performed at their company muſters, and that they uſe their endeavors, to inſpire a ſpirit of emulation among the officers and alſo to attend the regimental and battalion meetings of the militia compoſing their ſeveral brigades, during the time of their being under arms, as above preſcribed; to inſpect their arms, ammunition and accoutrements, ſuperintend their exerciſe and manœuvres; and introduce the ſyſtem of military diſcipline, before deſcribed, throughout the brigade agreeable to law, and ſuch orders as they ſhall from time to to time, receive from the commander in chief of the ſtate; to report to the Brigadier-General the field officers abſent at general muſters or reviews, to make timely returns to the

Brigade-Inſpector's duty.

1, 1794.

Adjutant-General of the ſtate, at leaſt once in every year, of the militia of their reſpective brigades, reporting therein the actual condition of the arms, accoutrements and ammunition of the ſeveral corps, and every thing which in their judgment may relate to the government thereof, and the general advancement of good order and military diſcipline: for which field ſervices, each of them ſhall be allowed the ſum of fifteen ſhillings per day and fifteen ſhillings for every thirty miles after they leave home, riding round the circuit of their brigade, to be paid by the Treaſurer of this ſtate, on the certificate of the Brigadier-General; and if the ſaid Brigade Inſpectors, ſhall fail to attend the regimental and battalion muſters as required by this act and to perform the duties therein, required (ſickneſs or other unavoidable accident excepted) each of them ſhall forfeit and pay for ſuch failure the ſum of twenty pounds, to be recovered by proſecution of the Brigadier-General, before any juriſdiction having cognizance thereof, and for every neglect to make the returns to the Adjutant-General as required by this act, the ſum of twenty pounds, to be recovered as above; all which fines ſhall be paid to the Treaſurer for the uſe of the ſtate.

And penalties for neglect.

Regimental and Battalion muſters, when and where held.

XI. *And be it further enacted*, That there ſhall be in every year, one regimental or battalion muſter, at the court-houſe of the county of ſuch regiment or battalion, or at ſuch other places as have been or ſhall be appointed by law for general muſters, and that the Brigadier-General ſhall order the ſaid muſter, ſo that the Adjutant-General may receive his returns, in due time to lay the ſame before the Governor as herein required and in ſuch rotation that the Brigade-Inſpector, may attend each of the ſaid regiments and battalions, following each other immediately in courſe, for the purpoſe herein required: On failure whereof, the ſaid Brigadier ſhall forfeit and pay the ſum of twenty-five pounds to be recovered and applied as herein directed, and the commanding officer of each regiment or battalion, if he does not receive ſuch orders from the Brigadier-General of his diſtrict ſhall appoint the ſaid muſter, ſo as to anſwer the above intention; on failure whereof, he ſhall ſuffer a fine of fifteen pounds, for each neglect: and the ſaid Brigadiers ſhall cauſe the commanding officers of the reſpective regiments or corps, to be notified thereof at leaſt two weeks previous to ſuch muſter; and if any officer ſhall fail to attend, at any review, regimental or battalion muſter, or attending not appear armed as required by this act, he ſhall on conviction before a court-martial, forfeit and pay, if a field officer the ſum of five pounds; or if attending and he be not properly armed, two pounds ten ſhillings; in a commiſſioned officer under that grade, the ſum of two pounds; and if attending he be not properly armed, one pound; and every non-commiſſioned officer and private, who ſhall fail to appear on the ſaid occaſions, ſhall forfeit for every ſuch failure or neglect, ten ſhillings; or if appearing he be not armed and provided in manner as directed by this act, ſhall for ſuch deficiency, forfeit and pay five ſhillings; which fines ſhall be recovered and applied as hereafter directed, and the company officers in each regiment or battalion of infantry, ſhall incur the ſame penalties, if they fail to attend at the muſter ground the day preceding each muſter, for the purpoſe herein mentioned: and every Captain or commanding officer of a company, ſhall once within three months, at ſuch place as he ſhall think moſt convenient and agreeable to the order of the commanding officer, muſter, train, and exerciſe his company; at which muſter the officers and privates, ſhall appear armed as before required; and if any Captain or commanding officer of a company, ſhall fail or neglect to muſter his company, as herein directed, he ſhall forfeit and pay the ſum of ten pounds, and if he or any commiſſioned officer of the company, ſhall fail to appear at the ſaid muſter, the officers ſo failing ſhall forfeit and pay the ſum of twenty ſhillings, and if appearing, be not properly armed, ten ſhillings: to be recovered by warrant from the commanding officer of the regiment or battalion, directed to the Adjutant who ſhall collect the ſame and alſo four ſhillings for his trouble in ſo doing; and if any non-commiſſioned officer or ſoldier ſhall fail to attend at a company muſter, he ſhall pay the ſum of five ſhillings; and if attending, without being armed and accoutred, ſhall pay the ſum of two ſhillings and ſix-pence, to be recovered, as well as all other fines, from non-commiſſioned officers and privates, where no other method is directed, by a warrant from the Captain or commanding officer of the company, directed to a Serjeant, who ſhall at the ſame time, levy over and above the fine, four ſhillings for his trouble: which fines ſhall be applied as ſhall hereafter be directed. *Provided*, That every abſentee or defaulter, ſhall be allowed until the next ſucceeding company muſter, to make his excuſe, which ſhall always, and without exception, be upon oath; the officer higher in rank being hereby authoriſed to adminiſter the ſame. If any officer ſhall ſuffer himſelf to be intoxicated or behave in a riotous or diſorderly manner, when required to be on duty, or diſobey the lawful orders of his commanding officer, he ſhall for the firſt offence, be openly reprimanded, by the Preſident of the Court-Martial, be-

Brigadier-General to order them,

If he does not, the Commanding Officer ought to—

Penalties.

Fines for failing to appear; or being not properly equipped.

Time allowed for excuſes.

Miſbehaviour of officers.

fore which he is convicted, and be fined at the diſcretion of the ſaid court, not exceeding five pounds, or be caſhiered; and for the ſecond offence, he ſhall be abſolutely caſhiered: the fines before mentioned to be recovered by warrant of the ſaid Preſident, directed to the Adjutant, who ſhall further levy four ſhillings, for his trouble in collecting the fine.

Of non-commiſſioned officers and privates.

XII. *And be it further enacted*, That if any non-commiſſioned officer or private, ſhall, during the time of muſter reſiſt his commanding officer, or refuſe to obey his lawful commands, if a non-commiſſioned officer, he ſhall be fined twenty ſhillings, reduced to the ranks, and be confined and kept under guard, during ſuch muſter; and if a private, ſhall be fined ten ſhillings and be confined and kept under guard during ſuch muſter. And if the officers of a company or any two of them, after an examination upon oath, ſhall adjudge any perſon or perſons enrolled as aforeſaid, to be incapable of providing and furniſhing him or themſelves with the arms, ammunition and accoutrements, required by this act, they ſhall make report thereof to the next battalion court-martial as the caſe may be; who may, if it ſhould appear neceſſary, exempt ſuch perſon or perſons from the fines and forfeitures by this act impoſed, until ſuch arms and accoutrements ſhall be provided, and delivered him or them by the court-martial, who ſhall take ſecurity for the ſafe keeping of ſuch arms and accoutrements to be returned when required.

Perſons unable to procure arms.

Returns, when, by whom, and under what penalty, to be made.

XIII. *And be it further enacted*, That the ſeveral Captains of infantry, ſhall at their general muſters make a return of their reſpective companies to the commanding officer of their battalion; the Captain of cavalry, to the commanding officer of cavalry in thirty days; and the Captains of artillery to the Brigadier of the diſtrict, within thirty days thereafter, and to the commanding officers of his regiment in three months, under the penalty of five pounds, to be levied by warrant of diſtreſs from the ſaid reſpective officers to whom the returns are to be made directed to the Adjutant of the regiment, reſpectively of infantry or cavalry, who may deduct out of the ſame four ſhillings for his ſervices; which commanding officers of infantry, are required to make a return of his battalion to the Colonel of the regiment within thirty days after ſuch muſter, under the penalty of twenty-five pounds, and the Colonel or commanding officer of the regiment of cavalry or infantry, ſhall make in thirty days, after their receipt thereof, a complete return thereof, to the General of the Brigade, to which they reſpectively belong, under the penalty of twenty-five pounds each; which Brigadier is hereby required within thirty days thereafter, to tranſmit the ſame to the Major-General of his diviſion, under the penalty of twenty-five pounds; who is required to make a return thereof to the Adjutant-General in thirty days after he receives the ſame, under the penalty of fifty pounds; which fines ſhall be recovered, as herein after directed.

Major and Brigadier-General, how tried,

XIV. *And be it further enacted*, That when any Major-General ſhall be charged with mal-practice, or neglect of duty, the Governor or commander in chief for the time being ſhall order him to be arreſted, and furniſhed with a copy of his charge and ſhall order a general court-martial, for the trial, compoſed of one Major-General, two Brigadier-Generals, and ten field officers; one half the number of which officers at leaſt ſhall be of a different diviſion. And on a like charge againſt a Brigadier-General, the Major-General ſhall order him to be arreſted, and furniſhed with a copy of his charge, and ſhall order a court-martial for his trial, compoſed of one Brigadier-General and twelve field officers; ſix of whom at leaſt ſhall be drawn from ſome other brigade. And in like manner, the Brigadier-General, or commanding officer of each brigade, ſhall arreſt and appoint courts-martial, for the trial of the field officers of the ſame, againſt whom charges may be exhibited; which courts ſhall be compoſed of thirteen officers, none of whom to be under the rank of Captain, and a field officer to preſide. The commanding officer of each regiment or battalion ſhall order a court-martial to be held at the place appointed for the muſter of the ſame, on the day after their reſpective regimental or battalion muſters: which courts ſhall conſiſt of a majority of the officers, two of whom at leaſt ſhall be of the grade of Captain, the eldeſt of which ſhall be preſident. The court ſhall be warned to that duty by the Adjutant of the battalion, by a roſter to be by him kept, and the ſaid court when convened ſhall have power to cauſe the neceſſary oaths to be adminiſtered by the Judge-Advocate, and to enquire into the age and abilities of all perſons brought before them, and exempt ſuch as may be judged incapable of ſervice: and alſo all neglects or omiſſions as well by officers as privates; and to hear and determine all appeals which ſhall be made by non-commiſſioned officers and privates who may think themſelves aggrieved by the officers of the companies; and to order and diſpoſe of all fines for buying drums, fifes and other implements of war, for the uſe of the company whence the ſame ſhall

Court-martial, how compoſed & warned,

Its province.

1, 1794. ariſe, and for ſupplying the militia with arms and accoutrements and other purpoſes that will promote the advantage thereof.

XV. *And be it further enacted,* That whenever a court-martial is ordered, the officers directing the ſame ſhall appoint a Judge-Advocate to attend; who ſhall be allowed a reaſonable ſalary out of the fines ariſing from the neglect of duty, for his ſervices; whoſe duty it ſhall be to write at length the proceedings of the ſaid court; and no ſentence of a court-martial ſhall be put in execution until it ſhall be returned to the officer ordering ſuch court, and when the judgment or ſentence ſhall be to caſhier or ſuſpend any officer whoſe appointment is in the General Aſſembly, the proceedings ſhall be tranſmitted to the Adjutant-General, to be by him delivered to the Governor or commander in chief; whoſe duty it ſhall be to lay the ſame before the next General Aſſembly after ſuch ſentence. The preſident and members of every court, before they proceed to buſineſs ſhall take the oath herein after directed to be taken by the members of courts-martial in actual ſervice, and battalion courts-martial, ſhall alſo take the following oath, *to wit.* "I ſwear that I will well and truly appropriate all fines and forfeitures according to law, without favour, affection, or partiality, *So help me God.*" Which ſaid oath ſhall be adminiſtered by the Judge-Advocate, who ſhall himſelf in the preſence of the ſaid court, take the following oath: "*I A. B. do ſwear that I will well and truly perform the duties of Judge-Advocate of this court, according to the beſt of my ſkill and abilities, So help me God.*" And the ſaid courts when formed and ſworn ſhall obſerve due order and decorum.

Oath of its members,

and of the Judge Advocate.

Militia, raiſed in caſe of inſurrection.

XVI. *And be it further enacted,* That in caſe of an inſurrection within this ſtate, or invaſion, it ſhall and may be lawful for the Governor and commander in chief for the time being, or any officer by him directed, to raiſe ſo many of the militia, as ſhall be thought neceſſary for oppoſing ſuch inſurrection or invaſion; and the militia ſo raiſed ſhall perform ſuch duty or ſervice as they ſhall be required to do, by their commanding officers, and it is hereby directed, that the ſaid militia ſhall appear furniſhed with arms, ammunition and accoutrements as aforeſaid.

Puniſhments,

XVII. *And be it further enacted,* That every officer who ſhall neglect or refuſe, on call of alarm given to appear at ſuch times and places as ſhall be appointed by his commanding officer, he ſhall on due conviction before a court-martial be caſhiered and rendered incapable of ever after holding a military appointment under the authority of this ſtate, and be further liable to pay the ſum of twenty pounds to be collected as herein directed; if a non-commiſſioned officer or private, he ſhall forfeit and pay ten pounds: And if any perſon do not march againſt an enemy when commanded, by himſelf or ſubſtitute, or refuſe or neglect to do his duty or perform the ſervice he is put upon by his officer, or quit his poſt, deſert or mutiny, it ſhall and may be lawful for the commanding officer of the regiment or corps to order a court-martial for the trial of ſuch offender; the members of which when met ſhall individually before they proceed, take the following oath, *to wit;* "I ſwear, well and truly, to try and determine according to the evidence of the matter, before me, between the ſtate and the priſoner now to be tried. *So help me God.*" And on trial and conviction ſhall puniſh the offender according to the articles of war, eſtabliſhed for the regulation of the continental army, and the nature of the offence. *Provided nevertheleſs,* ſuch puniſhment ſhall not extend to ſentence of death, except in caſe of deſertion to an enemy or mutiny.

when capital.

Officers may be caſhiered.

XVIII. *And be it further enacted,* That when any commiſſioned officer ſhall be convicted before a court-martial of having violated this act, he ſhall not only be ſubject to the fines impoſed by this act, but may at the diſcretion of the court-martial be caſhiered. And the perſons enrolled in any troop of horſe or company of artillery, who have complied with the condition of the law, ſhall be and are exempt from ſervice in the infantry and ſhall not be afterwards transferred to the infantry except in caſe of removal, or by conſent of the commanding officers of the troop, or as herein before directed.

Horſe and artillerymen's exemptions.

Freedom of arreſt,

XIX. *And be it further enacted,* That no officer or ſoldier directed by this act to appear and muſter as aforeſaid, ſhall be liable to be taken or arreſted in any civil action or proceſs whatever, on the day ſuch perſon or perſons is or are directed to appear; or in any reaſonable time either in going to, continuing at, or returning from the place appointed to muſter or appear; but every ſuch arreſt is hereby declared to be void. And every perſon required by this act to attend muſters or reviews, going to or returning from the ſame ſhall be ſuffered to paſs over any toll-bridge or toll-cauſeway, and ſhall be put over any ferry without delay, free from any charge whatſoever. And if any ferryman, or proprietor of any toll-bridge ſhall demand pay, delay or refuſe to put ſuch perſon or perſons over, they ſhall forfeit for every ſuch offence the ſum of twenty ſhillings, to be recovered by a warrant from a Juſtice of the Peace; one half to the informer, and the other half to the uſe of the county wherein the

On muſter days.

Free paſſage over toll bridges, ferries &c.

Penalty.

offence was committed. And the Major-General of each diviſion ſhall, when convenient to himſelf, but at leaſt once in every two years order a review of the ſeveral corps compoſing the ſame, by regiments in their reſpective counties, except the regiments of cavalry and companies of artillery, which ſhall be muſtered at the court-houſes of their reſpective diſtricts, and he ſhall attend the ſaid reviews, under the penalty of fifty pounds. And the Brigadiers of each diſtrict or brigade ſhall in like manner at leaſt once in every two years order a review of their ſeveral commands in his brigade, under the penalty of twenty-five pounds, to be recovered as heretofore preſcribed by the Adjutant-General of the ſtate. And when penalties are inflicted upon field officers, and no other method is directed for the recovery thereof, the ſame ſhall be recovered by information of the Brigade-Inſpector, before a regimental court-martial to be ordered by the Brigadier; the ſentence of judgment of which court ſhall be carried into execution and levied by the Adjutant of the regiment as preſcribed.

1, 1794.

Major-General's, and

Brigadier-General's muſter.

Penalties how recovered from Field-Officers.

XX. *And be it further enacted*, That the Major of each battalion of artillery ſhall once in every two years, review the companies of the ſame under the penalty of twenty-five pounds. And the commanding officer of the regiment ſhall once in two years review the ſaid regiment by companies under the penalty of thirty pounds; and ſhall once in every year tranſmit a return of the ſaid regiment to the Adjutant-General, in due time for him to lay the ſame before the Governor at the annual meeting of the Aſſembly. The commanding officer of each regiment of cavalry ſhall once in two years muſter his regiment at ſome convenient place under the penalty of twenty-five pounds; and ſhall alſo once in every year review each troop in his regiment by calling one or more of them together at ſome convenient place, and ſhall alſo once in every year and in due time, make a juſt return of his regiment to the Brigadier-General of the diſtrict or brigade, under the penalty of twenty-five pounds. *Provided always*, That the companies of artillery and troops of horſe ſhall when attending the general muſters of the regiment or battalion of infantry in which they reſide, be under the orders of the commanding officers of ſaid regiment or battalion; except that at reviews of the regiments of cavalry, they ſhall be under the command of the officers of cavalry only.

Artillery reviews.

XXI. *And be it further enacted*, That all fines and forfeitures by this act directed, and not herein before particularly appropriated ſhall be applied to the purpoſe of firſt buying drums, fifes and colors, and then arms and accoutrements for the uſe of the corps from whence the ſame may ariſe. And thoſe paid by the Major-General ſhall be equally divided amongſt the brigades of his diviſion: thoſe paid by the Brigadier ſhall be equally divided amongſt the different regiments and battalions of his brigade: thoſe paid by the field and ſtaff officers, and not before appropriated herein, equally amongſt the companies of the regiments of battalions to which they belong: and thoſe paid by the other commiſſioned officers, amongſt their companies, for the uſe and benefit of the ſaid reſpective corps.

Fines appropriated.

XXII. *And be it further enacted by the authority aforeſaid*, That the reſpective officers, non-commiſſioned officers and privates when in actual ſervice in the defence of this ſtate, ſhall from the day they are ordered on duty, be paid according to the following rates, *to wit*, a Major-General per day, twenty-five ſhillings; a Brigadier-General per day, twenty ſhillings; a Colonel or Lieutenant-Colonel Commandant of infantry per day, fifteen ſhillings, a Major of infantry, ten ſhillings.

Payr

A Captain of ditto, —ſeven ſhillings and ſix-pence,
A Lieutenant of ditto, five ſhillings,
Enſign of ditto, —four ſhillings and ſix-pence,
Surgeon of ditto, ſeven ſhillings and ſix-pence,
Serjeant-Major of ditto, four ſhillings,
Drum-Major of ditto, four ſhillings,
Fife-Major of ditto, —four ſhillings,
Serjeants of ditto, three ſhillings and ſix-pence,
Drummer of ditto, three ſhillings,
Fifers of ditto, three ſhillings,
Corporal of ditto, three ſhillings,
Private of ditto, two ſhillings and ſix-pence,
Lieutenant-Colonel Commandant of cavalry, twenty ſhillings,
Major of ditto, fifteen ſhillings,
Captain of ditto, twelve ſhillings and ſix-pence,
Lieutenant of ditto, ten ſhillings,
Cornet of ditto, ſeven ſhillings and ſix-pence,
Surgeon of ditto, ten ſhillings,
Serjeant of ditto, five ſhillings and ſix-pence,
Corporal of ditto, five ſhillings and ſix-pence,
Trumpeters of ditto, five ſhillings and ſix-pence,
Private of ditto, four ſhillings and ſix-pence,
Lieutenant-Colonel commandant of artillery, twenty ſhillings,
Major of ditto, twelve ſhillings and ſix-pence.
Captain of ditto, ten ſhillings,
Captain-Lieutenant of ditto, ſeven ſhillings and ſix-pence,
Lieutenant of ditto, ſeven ſhillings and ſix-pence,
Surgeon of ditto, ten ſhillings.

Non-commiſſioned officers and privates to have the ſame pay as in the cavalry.

1, 1794.

Provided nevertheleſs, That the above mentioned pay ſhall not be conſtrued to be due to any officer or men of the militia, called out at any time in purſuance of orders from the executive of the United States, or the laws thereof.

Repealing clauſe. 1786, 22, 591.

XXIII. *And be it further enacted*, That the act of Aſſembly paſſed at Fayetteville, in the year one thouſand ſeven hundred and eighty-ſix, entitled, "an act for eſtabliſhing a militia in this State" and all acts and clauſes of acts, which come within the meaning and purview of this act, be and the ſame are hereby repealed and made void.

Temporary.

CHAP. III. *An Act for raiſing the proportion of militia required of this ſtate, agreeably to the act of Congreſs of the United States, entitled, "An act directing a detachment from the militia of the United States."*

Read three times and ratified, in General Aſſembly, the 18*th day of July, Anno Domini* 1794.

WILLIAM LENOIR, *S. S.*
J. LEIGH, *S. H. C.*

Copy,
J. GLASGOW, *Secretary.*

ACTS OF GENERAL ASSEMBLY.

At a GENERAL ASSEMBLY, begun and held at the City of Raleigh, on the Thirtieth Day of December, in the Year of our Lord, One Thouſand Seven Hundred and Ninety-Four, and in the Nineteenth Year of the Independence of the ſaid State—Being the Firſt Seſſion of the ſaid Aſſembly.

2, 1794.

RICHARD D. SPAIGHT, Eſq. Governor.

CHAP. I. *An Act to raiſe a revenue for the payment of the civil liſt and contingent charges of government for the year one thouſand ſeven hundred and ninety-five.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That for the year one thouſand ſeven hundred and ninety-five, a tax of eight-pence on every hundred acres of land in this ſtate, and a tax of two ſhillings on every hundred pounds value of town lots with their improvements, and a tax of two ſhillings on every poll, ſhall be levied, collected and accounted for, in the manner directed by the ſeveral acts of Aſſembly for thoſe caſes made and provided. Tax for 1795.

II. *And be it further enacted*, That a tax on all ſtud-horſes within this ſtate, of the one-fourth part of the ſum which the owner of ſuch ſtud-horſe ſhall aſk and receive for the ſeaſon of one mare to ſuch ſtud-horſe, ſhall be levied, collected and accounted for in the ſame manner that ſuch taxes have been heretofore levied, collected and accounted for. On ſtud-horſes.

III. *And be it further enacted*, That no ſinking-fund tax be collected for the year one thouſand ſeven hundred and ninety-five. No ſinking fund tax.

CHAP. II. *An Act to prevent the further importation and bringing of Slaves and indented Servants of color into this ſtate.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of May next, no ſlave or indented ſervant of color ſhall be imported or brought into this ſtate by land or water; nor ſhall any ſlave or indented ſervant of color, who may be imported or brought contrary to the intent and meaning of this act, be bought, ſold or hired by any perſon whatever. No ſlave, &c. to be imported, &c. after 1ſt May next.

II. *Be it further enacted by the authority aforeſaid*, That every perſon importing or bringing ſlaves or indented ſervants of color into this ſtate after the ſaid firſt day of May next, by land or water, contrary to the proviſions of this act, ſhall forfeit and pay the ſum of one hundred pounds for each and every ſlave or indented ſervant of color ſo imported or brought. Penalty for importing, &c.

And every perſon who ſhall knowingly ſell, buy or hire ſuch ſlave or indented ſervant of color, ſhall in like manner forfeit and pay the ſum of one hundred pounds for each and every ſlave or ſervant of color ſo ſold, bought or hired: One moiety of which forfeiture ſhall be to the uſe of the ſtate, and the other moiety to him or them who ſhall ſue for the ſame; to be recovered in the name of the Governor for the time being, by action of debt, in any of the Superior Courts of law in this ſtate. On ſelling, buying, &c.

III. *And be it further enacted by the authority aforeſaid*, That it ſhall be the duty of all Juſtices of the Peace, Sheriffs, Coroners, Conſtables and other judicial and miniſterial officers of this ſtate, to uſe all reaſonable and lawful means to carry this act into effect; which if they or any of them neglect to do, it ſhall be deemed a miſdemeanor in office. Juſtices, &c. to carry this act into effect.

And any officer who ſhall fail, neglect or refuſe, upon application, to perform the duties aforeſaid, ſhall be held and deemed liable to the forfeitures inflicted on thoſe who may import or bring a ſlave or indented ſervant of color into this ſtate, in the firſt inſtance; and ſhall be proceeded againſt in the like manner and to the like effect. Penalty for neglect, &c.

IV. *And be it further enacted and provided*, That nothing in this act ſhall be conſtrued to prevent a-

2, 1794.

ny perſon or perſons, being citizens of the United States, or ſubjects or citizens of foreign countries, who intend to reſide within the limits of this ſtate, from bringing with him, her or them ſuch ſlaves or ſervants as they may think proper; or to prevent ſuch perſons from travelling with their ſlaves or ſervants through this ſtate in order to ſettle in another ſtate; or to prohibit any citizen of this ſtate, who may obtain ſlaves or ſervants of color by marriage, gift, legacy, deviſe or deſcent; or who hath heretofore entered into *bona fide* contracts, from bringing the ſlaves or ſervants of color ſo obtained, or contracted for, into this ſtate, by land or water. *Provided*, That the perſon or perſons ſo intending to become citizen or citizens hereof, ſhall previouſly thereto take the following oath: "I *A. B.* "do ſwear that I have moved into this ſtate for the purpoſe of becoming a citizen thereof; and that "the ſlaves brought by me into this ſtate, are for my own ſervice, and not for the purpoſe of trade "or traffic; or for the purpoſe of defeating the operation of the act of Aſſembly in ſuch caſe made and "provided."

Perſons removing into the ſtate allowed to bring their ſlaves, &c. Or travelling thro' the ſtate. Or receiving them by marriage, gift, &c.

Oath to be taken by perſons removing, &c.

V. *And be it further enacted by the authority aforeſaid*, That whenever any citizen or other perſon hereafter ſhall bring, or remove from any other ſtate or country, any ſervant or ſlave of color, he, ſhe or they ſhall take the following oath: "I, *A. B.* do ſolemnly ſwear or affirm, that I have not re- "ceived or accepted of any ſervant or ſlave with an intention to make ſale of the ſame for the uſe of "myſelf or any other perſon, or with an intention to evade or defeat the intention of an act of Aſ- "ſembly in that caſe made and provided; and that I have not either directly or indirectly given value "for the ſame."

And by perſons bringing ſlaves &c.

CHAP. III. *An Act more liberally to endow the Univerſity of North-Carolina, and to ſecure the titles of certain inhabitants of Mecklenberg county, and other citizens of this ſtate, to certain lands heretofore purchaſed from Henry Euſtace M'Culloh.*

WHEREAS the Truſtees of the Univerſity of North-Carolina, have with a laudable zeal for the promotion of literature, erected a building for the uſe of the inſtitution entruſted to them, and are at this time prepared to commence the exerciſes of the Univerſity, but have no funds to proceed in the liberal manner, which the honor and intereſt of the public demand; and as the remnant of confiſcated property unſold by the Commiſſioners appointed for that purpoſe, might contribute to furniſh them with the means of making a permanent eſtabliſhment for the cultivation of ſcience:

Confiſcated property unſold veſted in the Truſtees of the Univerſity.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all lands not heretofore ſold, which under any of the laws, commonly called confiſcation laws, have been forfeited or confiſcated to the uſe of the ſtate, be and the ſame are hereby granted to and veſted in the Truſtees of the Univerſity of North-Carolina, and their ſucceſſors forever, in truſt for the uſe and benefit of the ſaid Univerſity.

And whereas a number of the inhabitants of Mecklenberg county, and other citizens of this ſtate, purchaſed lands from Henry Euſtace M'Culloh, taking the bonds of the ſaid Henry Euſtace M'Culloh to make a title or titles to the ſaid purchaſed premiſes, which lands have become confiſcated to the ſtate, and the ſaid purchaſers cannot procure titles to the ſame. And whereas alſo other perſons who had purchaſed lands from the ſaid Henry Euſtace M'Culloh, executed mortgages to him for the ſaid purchaſed premiſes previous to the fourth day of July, in the year one thouſand ſeven hundred and ſeventy-ſix; and it is proper that ſuch perſons ſhould have ſome early method of completing their titles, and removing the incumbrances aforeſaid:

Confiſcated lands mortgaged, &c. veſted in ſaid Truſtees, &c.

II. *Be it enacted by the authority aforeſaid*, That ſo much and ſuch part of the ſaid confiſcated lands as may have been *bona fide* purchaſed or mortgaged as aforeſaid, are granted to, and veſted in the Truſtees of the Univerſity of North-Carolina, and their ſucceſſors, not only for the uſe and purpoſes above mentioned in this act, but on the expreſs truſt, that the ſaid Truſtees and their ſucceſſors, ſhall take and uſe all proper ways and means, both in law and equity, to convey and aſſure to the equitable owners or claimants of ſuch lands, a good and ſufficient title in law to the lands ſo purchaſed or mortgaged as aforeſaid; ſuch equitable owners or claimants paying or ſecuring to be paid to the ſaid Truſtees, or their ſucceſſors, ſuch ſum or ſums of money as may be juſtly and equitably due on ſuch purchaſe or mortgage. *Provided*, That the intereſt to be required from ſuch claimants, ſhall in no inſtance exceed the principal, nor ſhall intereſt in any caſe be calculated during the war.

And to the end that the real value and amount of the ſaid endowment may be known:

III. *Be it enacted by the authority aforeſaid*, That the ſaid Truſtees ſhall keep an accurate account of the proceeds of the ſales and payments made for ſaid lands, with their expences and diſburſements, together with a ſtatement of all other monies entruſted to their management, either by the public or individuals, and lay the ſame annually before the General Aſſembly. 2, 1794. Truſtees to keep and render account of proceeds, &c.

IV. *And be it further enacted and provided*, That the proceeds of all ſales which ſhall be made, and the amount of all payments received under this act, ſhall be conſidered as a fund, the intereſt whereof ſhall be applied to the uſes and purpoſes expreſſed in this act, for the term of ten years, at the expiration of which time, the principal thereof, after deducting the charges of collection, ſhall be ſubject to the direction and diſpoſition of the General Aſſembly. *Provided nevertheleſs*, That whenever the principal collected and intended by this act to be loaned as aforeſaid, ſhall exceed ten thouſand pounds, the ſurplus, if in caſh, ſhall immediately be paid into the treaſury of this ſtate, and if in bonds, it ſhall be the duty of the ſaid Truſtees to transfer them without delay to the public Treaſurer for the time being, for the uſe of the ſtate. How to be appropriated.

CHAP. IV. *An Act to prevent the owners of Slaves from hiring to them their times, to make conpenſation to Patrolls, and to reſtrain the abuſes committed by free negroes and mulattoes.*

WHEREAS great miſchiefs have ariſen from ſlaves being permitted to hire their own time:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That it ſhall not be lawful under any pretence whatever, for any perſon or perſons to allow his, her or their ſlave, or any ſlave under his, her or their command or direction, to hire his, her or their time, under the penalty of forfeiting the ſum of twenty pounds for each and every offence; to be recovered before any Juſtice of the Peace, to the ſole benefit of the party proſecuting: And it ſhall be part of the duty and charge of the Grand-Jury, both in the County and Superior Courts, to make preſentment of any ſlave who ſhall be permitted by his or her maſter or miſtreſs to go at large, having hired his or her time, and on ſuch preſentment being made, the court ſhall iſſue an order to the Sheriff of the county where ſuch negro may be, to take up ſuch negro, and him or her ſafely ſecure, ſo that he can have ſuch negro before the next county court; and it ſhall be the duty of the Sheriff to give the owner notice thereof (if reſiding within the ſtate) at leaſt ten days before the ſetting of the court; and the ſaid court ſhall empannel a jury to enquire and try the truth of ſuch preſentment, on which trial or enquiry the owner may produce evidence as in other caſes; and if the jury ſhall find that the ſaid preſentment is true, ſuch negro ſhall then be hired out by the Sheriff of the county, at public vendue, for the ſpace of one year, taking bond with ſecurity for the ſame, payable to the Wardens of the poor, for the uſe of the poor of ſaid county, ſubject to the payment of any charges reſpecting ſaid negro. *Provided always*, That when the owner reſides out of the diſtrict, the Sheriff ſhall give notice by advertiſement in the neareſt gazette, for at leaſt two weeks, where a gazette ſhall be publiſhed in the diſtrict in which the Sheriff ſhall live, but in other caſes the Sheriff ſhall advertiſe the ſame at the diſtrict court-houſe and the court-houſe of the county in which ſuch ſlave ſhall be preſented or ſhall be taken up. *Provided always*, That when any perſon who ſhall hire the negroes of an orphan, ſhall hire to ſuch ſlave his or her time, the ſlave ſhall only be hired out under this act, for ſuch time or the remainder of the time as ſaid ſlave may have been hired to ſuch perſon. Slaves not permitted to hire their times. Penalty recovered, &c. Manner of proceeding againſt ſuch ſlaves, &c.

II. *And be it further enacted*, That no perſon ſhall grant permiſſion for any meeting or meetings of the negroes of others, or people of color, at his, her or their houſes, or on his, her or their plantation, for the purpoſe of drinking or dancing, under the penalty of forfeiting ten pounds on conviction of ſuch offence in any court having juriſdiction thereof, unleſs ſuch ſlave ſhall have a ſpecial permit in writing or otherwiſe from his or her owner for that purpoſe. Penalty for granting permiſſion for negroes to meet, &c.

III. *And be it further enacted*, That the Juſtices of the Courts of Pleas and Quarter-Seſſions, if they deem it neceſſary, ſhall at the firſt or ſecond court which ſhall be held after the firſt day of January, in the year one thouſand ſeven hundred and ninety-five; and the firſt court which ſhall be held after the firſt day of January in each year afterwards, appoint in each Captain's diſtrict or company, any number, not exceeding ſix diſcreet and proper perſons, to act as Patrollers for the ſpace of one year; and as a compenſation for the ſervices required of them as ſuch, ſhall be exempted from ſerving on juries, working on roads, and from the payment of all county and pariſh taxes to the amount of forty ſhillings, and in addition to the fees hitherto allowed by law, the Patrollers ſo appointed ſhall be Patrollers to be appointed. Their compenſation, &c.

2, 1794.

entitled to receive the one half of the penalties recovered under this act in the district in which such Patrollers may respectively act and reside, except such penalties as may be incurred by hiring to negroes their own time.

Their duty.

IV. *And be it further enacted*, That it shall be the duty of the Patrollers, or two of them at least, appointed as aforesaid, to patrol their respective districts once at least in two weeks, for the purpose of carrying this act into effect; and on failure or neglect to perform such services, every person so failing or neglecting shall forfeit and pay the sum of ten pounds, recoverable before any jurisdiction having cognizance thereof, one half to the use of the informer, and the other half to the use of the county where the same is recoverable.

And penalty for neglect.

Power.

V. *And be it further enacted*, That the Patrollers in each district, or a majority of those present, shall have power to inflict a punishment, not exceeding fifteen lashes, on all slaves they may find off their owner's plantation, or travelling on the Sabbath, or other unreasonable time, without a proper permit or pass.

Former fines how to be appropriated.

1787, 6, 609.

VI. *And be it further enacted*, That the fines and penalties heretofore recoverable for the use of the poor of the county, under an act, entitled, "An act to prevent thefts and robberies by slaves, free negroes and mulattoes," passed in the year 1787, shall hereafter be recovered by and for the use of the person who may sue or may prosecute for the same, subject however to the claim of the Patrollers, agreeably to the third section of this act.

Times when to take effect.

VII. *And be it further enacted*, That so much of this act as relates to fines and forfeitures, shall not take effect until the first day of November next: And that so much of an act of the General Assembly, passed in the year one thousand seven hundred and seventy-nine, entitled, "An act to amend an act, entitled, an additional act concerning servants and slaves," passed at Newbern, in the year one thousand seven hundred and fifty-three, and for other purposes therein mentioned, as compels the owners of slaves to pay for taking them up without a pass, shall be and the same are hereby repealed and made void.

Part of an act repealed.

3, '79, 7, 388.
1753. 6, 152.

CHAP. V. *An Act for altering and fixing the time of the annual meetings of the General Assembly of this state.*

Meeting of the Assembly when held.

I. BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter, the annual meeting of the General Assembly of this state, shall be on the first Monday in November in every year.

To appoint a Governor, &c.

II. *And be it further enacted*, That at each annual meeting of the General Assembly hereafter, it shall be lawful to appoint a Governor, and other officers of state, as hath been the practice heretofore, any thing to the contrary notwithstanding.

CHAP. VI. *An Act ratifying an amendment to the Constitution of the United States of America.*

WHEREAS the third Congress of the United States of America, at the first session thereof began and held at the city of Philadelphia, in the state of Pennsylvania, on Monday the second day of December, one thousand seven hundred and ninety-three, did pass the following resolve, two thirds of both Houses concurring, viz. "*Resolved*, "by the Senate and House of Representatives of "the United States of America, in Congress assembled, two thirds of both Houses concurring, that "the following articles be proposed to the Legislatures of the several states, as an amendment to the "constitution of the United States, which which when ratified by three-fourths of the said Legisla-"tures, shall be valid as part of the said constitution, viz. The judicial power of the United States, "shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one "of the United States by citizens of another state, or by citizens or subjects of any foreign state:"

Amendment to the constitution of the U. States ratified.

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same*, That the said article, viz. "The judicial power of the United States "shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one "of the United States by citizens of another state, or by citizens or subjects of any foreign state," be and the same is hereby ratified on the part of this state, as an amendment to the constitution of the United States of America.

CHAP. VII. *An Act giving further time for regiſtering Grants, proving Deeds and Meſne Conveyances which have not been proved and regiſtered within the time heretofore appointed by law.* 2, 1794.

Further time allowed to regiſter grants.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all grants for lands entered in the land-office under the preſent government, which have not been regiſtered within the times heretofore appointed by law, ſhall and may, within two years after the paſſing of this act, be admitted to regiſtration, and ſhall be as good and valid as if they had been regiſtered within the time heretofore allowed by law.

Deeds, &c.

II. *And be it further enacted by the authority aforeſaid,* That all deeds and meſne conveyances of lands, tenements, and hereditaments, not already proved, acknowledged, and regiſtered, ſhall and may, within two years after the paſſing of this act, be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one or more of the ſubſcribing witneſſes to the ſame, and tendered or delivered to the Regiſters of the counties where ſuch lands, tenements or hereditaments are reſpectively ſituated. And all deeds and meſne conveyances whatſoever, which ſhall be acknowledged, or proved and regiſtered according to the directions of this act, ſhall be good and valid, and take effect as fully to the uſe and benefit of the grantees, their heirs and aſſigns, as if ſuch deeds and meſne conveyances had been acknowledged, proved and regiſtered agreeable to the directions of any law heretofore made.

CHAP. VIII. *An Act preſcribing the reſidence of the Governor of this ſtate.*

WHEREAS it is proper that the principal officers of the ſtate ſhould reſide at the ſeat of government:

Governor to reſide ſix months yearly at Raleigh, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the riſe of the next annual meeting of the General Aſſembly, it ſhall be the duty of the Governor, or Commander in Chief for the time being, to reſide at the city of Raleigh, ſix months, excluſive of the time the Legiſlature may be in ſeſſion, in the year for which he may be appointed, or act as Governor; and ſuch reſidence ſhall be at ſuch times within the year as he in his diſcretion may deem moſt proper for the convenience of the citizens of the ſtate and the diſpatch of public buſineſs; and he ſhall cauſe the ſame to be notified in all the gazettes of this ſtate.

Council of State there to be convened.

II. *And be it further enacted,* That whenever the Governor ſhall conceive it neceſſary to convene the Council of State, ſuch meeting ſhall be in the city of Raleigh, unleſs an invaſion, inſurrection or contagious diſeaſe, ſhall render it adviſeable to call them elſewhere.

CHAP. IX. *An Act for ceding to the United States the juriſdiction of certain lands on Shell-Caſtle Iſland, in the harbor of Occacock.*

WHEREAS the Congreſs of the United States have paſſed an act to erect a lighted beacon on Shell-Caſtle Iſland, in the harbor of Occacock, upon condition that this ſtate will cede to the United States, a ſufficient quantity of land for that purpoſe:

Juriſdiction of certain lands ceded to the U. States.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the excluſive legiſlation and juriſdiction of ſo much land on Shell-Caſtle Iſland, as ſhall be purchaſed by the United States from the preſent proprietor or proprietors, for the purpoſe of erecting a lighted beacon thereon, is hereby ceded to the United States, and this Legiſlature doth hereby conſent to ſuch purchaſe.

Not to debar ſtate proceſs, &c.

II. *And be it further enacted,* That this act ſhall not be conſtrued to debar or hinder the proceſs from any court or Judge of this ſtate from running within the boundaries of the lands ſo to be purchaſed; nor to continue the authority of the United States over any part of the ſaid lands, for any longer term than the ſaid lighted beacon ſhall be kept up.

CHAP. X. *An Act to provide for the public ſafety, by granting encouragement to certain manufactures.*

Bounties on certain manufactures.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That a bounty of twenty-five pounds ſhall be given for the years one thouſand ſeven hundred and ninety-five, one thouſand ſeven hundred and ninety-ſix, and one thouſand ſeven hundred and ninety-ſeven, to the perſon or company in each brigade in this ſtate, who ſhall manufacture and produce, within each year reſpectively, to the Brigadier-General, the Brigade-Inſpector, and the commanding officer of the cavalry, the beſt and higheſt finiſhed muſket and bayonet, of the deſcription preſcribed by Congreſs; and a bounty of twenty-five pounds to the perſon or company in each brigade, who ſhall manufacture and produce in each of the years aforeſaid, to the officers above mentioned, the beſt and moſt uſeful caſe of horſeman's piſtols; and a bounty of ten pounds to the perſon or company in each brigade, who ſhall manufacture and produce to the officers above mentioned, the beſt and higheſt finiſhed horſeman's ſword, due regard being paid to ſhape and workmanſhip; which bounties ſhall be ſeverally paid by the public Treaſurer, to the perſon or perſons entitled to the ſame, upon the certificate of the officers aforeſaid, counterſigned by the Governor for the time being; and it ſhall be the duty of the officers aforeſaid, to cauſe advertiſements to be put up at one or more public places in each of the counties compoſing their reſpective brigades; which advertiſements ſhall ſet forth the time when, and the place where they mean to attend for the purpoſe of examining the articles which may be ſo manufactured in each year, and of making their final deciſion. And each application for any of the bounties aforeſaid, ſhall be accompanied by a written inſtrument, ſigned by the applicant or applicants, ſtating the terms upon which he or they will furniſh the public with a given number, which ſhall not be leſs than one hundred ſtand of muſkets and bayonets, one hundred caſes of piſtols, or one hundred horſeman's ſwords, as the caſe may be, and the time in which he or they can manufacture the ſame; which papers ſhall accompany the certificates to the Governor, and be by him laid before the next enſuing Aſſembly in each year. *Provided always*, That no ſuch certificate ſhall be given by the officers aforeſaid, unleſs the applicant or applicants ſhall previouſly make oath that the article, and every part thereof, for which the bounty may be claimed, was made by or for him or themſelves, at works within the brigade, which were his or their own property; which affidavit ſhall accompany the certificate of the Brigadier-General, the Brigade-Inſpector, and the commanding officer of the cavalry, to the Governor, and compoſe a part of the warrant for drawing the money.

How to be paid, examined, &c.

Terms to be offer'd for furniſhing the public, &c.

Applicant te make oath, &c.

Bounty on powder.

II. *Be it further enacted by the authority aforeſaid*, That the bounty of fifty pounds ſhall be given in like manner for each of the years aforeſaid, to the perſon or company in each ſuperior court diſtrict, who in his or their particular diſtrict, ſhall make the greateſt quantity of merchantable muſket or rifle powder within the year for which he or they may claim the bounty, at works which are his or their own property. *Provided*, That no bounty ſhall be given to any perſon or company who makes a leſs quantity than five hundred pounds weight of either or both. *Provided alſo*, That no perſon or company ſhall receive ſuch bounty unleſs he or they ſhall, within three months after the expiration of the year for which the bounty is claimed, produce to the Governor a ſample of the powder, together with a certificate from three reſpectable freeholders, of whom one ſhall be a Juſtice of the Peace, importing that they had ſeen the powder made by the claimant or claimants at different times; that it was good and merchantable in quality; that the ſeveral parcels were weighed at different times, or at one time, as the caſe may be, in their preſence; and that the whole was of the weight which they ſhall ſpecify; which certificate ſhall be accompanied by an affidavit made by the claimant or claimants, that the whole of the powder for which the bounty may be claimed, was made in that year, by or for him or themſelves, at works within the diſtrict, which were his or their property. And the Governor ſhall, within three months after the end of each year, iſſue a warrant for the bounty aforeſaid, in favour of the perſon who in each diſtrict may appear to be entitled to the ſame.

Not leſs quantity than 500lb.

Sample, certificate, &c. to be produced to the Governor, &c.

And that impoſitions and frauds may be prevented:

Governor to iſſue proclamation, &c.

III. *Be it further enacted by the authority aforeſaid*, That it ſhall be the duty of the Governor, after granting his warrant as herein before directed, in each year, for the bounties aforeſaid, to iſſue a proclamation, ſetting forth the quantity of each article manufactured, agreeable to the returns; the perſons manufacturing the ſame; the perſons who obtained the ſeveral bounties; the names of the perſons atteſting their ſeveral certificates, and their places of reſidence; which proclamation ſhall be poſted up at the court-houſe of each and every county within this ſtate, and publiſhed in the ſeveral

gazettes of the ſtate, at the public expence, at leaſt ſix weeks in each year.

2, 1794

CHAP. XI. *An act to amend an act, entitled, "An act to extend the right of trial by jury to ſlaves," paſſed at the laſt annual ſeſſion held at Fayetteville.*

1793, 5, 84.

WHEREAS it is not ſufficiently aſcertained by the ſaid act what ſhall be the particular province and duty of the jury and of the court, on the trial of any ſlave or ſlaves under ſaid law:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That it ſhall hereafter be the ſole duty of the jury ſworn on the trial of any ſlave or ſlaves, to give a verdict of guilty or not guilty, on the evidence ſubmitted to them by the court; and on the verdict ſo given in by the jury, it ſhall be the duty of the county court, when ſitting on the trial of any ſlave or ſlaves, or of three Juſtices when they ſhall be ſitting on any ſuch trial, to paſs judgment and ſentence on the ſlave or ſlaves ſo tried before them, agreeably to the verdict of the jury and the laws of the country.

Duty of jury and court on trial of ſlaves.

CHAP. XII. *An act to prevent fraud in the ſale of property therein mentioned.*

WHEREAS great frauds have ariſen to many of the good citizens in this ſtate, for the want of of ſufficient notoriety in the ſales of property taken by execution, and thoſe made by the repreſentatives of deceaſed perſons: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the firſt day of April, in the year one thouſand ſeven hundred and ninety-five, no ſale of any property taken by virtue of any execution directed to the Sheriff of the county or any other officer, and no ſale of any property of any deceaſed perſon, and no auction or vendue, where the lands, houſes, or ſlaves of any deceaſed perſon or minor, are to be rented or hired out, ſhall commence before eleven o'clock in the morning, or after four o'clock in the evening of the day on which ſuch ſale or auction is to be made; and any Sheriff or other officer, executor, adminiſtrator, guardian, or other perſon, who ſhall make any ſale contrary to the true intent and meaning of this act, ſhall forfeit and pay the ſum of one hundred pounds; to be recovered by any perſon proſecuting for the ſame, with coſts of ſuit, in any court of record in this ſtate.

Time of ſelling & hiring certain property preſcribed.

II. *And be it further enacted by the authority aforeſaid,* That from and after the ſaid firſt day of April, in the year one thouſand ſeven hundred and ninety-five, all ſales of property of deceaſed perſons, and the renting and hiring out of all houſes, lands, and ſlaves of any deceaſed perſon or minor, ſhall be made and done by way of public vendue or auction; and all executors, adminiſtrators, and guardians, are hereby directed and required, that previous to all ſuch ſales and auctions, they ſhall give ſufficient notice thereof, by adverti ſing the ſame in three or more public places in the counties, where the ſame are reſpectively to be made, at leaſt ten days before the day of ſuch ſale or auction. *Provided always,* That nothing in this act contained, ſhall be conſtrued to extend in any manner to executors in caſes where diſcretionary powers are veſted in them by the will of their teſtator.

Certain ſales, renting, &c. to be by auction. Due notice to be given.

CHAP. XIII. *An Act directing the mode of recovering debts of twenty pounds and under.*

WHEREAS the preſent mode of recovering debts of twenty pounds and under in this ſtate, is laid down and contained in ſundry acts and clauſes of acts, paſſed at different ſeſſions of the General Aſſembly, whereby ſuch mode is rendered complex and difficult to be underſtood; and it being proper and neceſſary that laws which affect the property of a great majority of the citizens, ſhould be as plain and eaſy of comprehenſion as the nature of the caſe will admit; therefore, in order to bring into view, and comprehend in one act, all that may relate to the recovery of ſuch debts:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all debts and demands of twenty pounds and under, for a balance due on any ſpecialty, contract, note or agreement, or for goods, wares and merchandiſe ſold and delivered, or for work or labor done, or for ſpecific articles, whether due by obligation, note or aſſumpſit, are hereby declared to be cognizable and determinable by any one Juſtice of the Peace out of court, who may give judgment thereupon, and award proceſs of execution againſts the goods and chattels, lands,

Juriſdiction of a Juſtice 20l. and under.

2, 1794.

and tenements, or body of the party caſt: which proceſs ſhall be executed and returned by the Sheriff, Conſtable or other lawful officer, to whom the ſame may be directed, in the ſame manner as other writs of *Fieri Facias* or *Capias ad Satisfaciendum*, are to be executed and returned; but ſuch judgment ſhall be ſubject nevertheleſs to the appeal of either party to the next court of pleas and quarter-ſeſſions of the county in which ſuch judgment may be given; the party praying ſuch appeal firſt giving ſufficient ſecurity for proſecuting the ſame with effect: Whereupon an iſſue ſhall be made up and tried the firſt court, by a jury of good and lawful men, in the ſame manner as other jury cauſes are tried, unleſs ſufficient cauſe be ſhewn on affidavit for a continuance. *Provided always*, That where a judgment ſhall be given by a Juſtice of the Peace as aforeſaid, execution thereon ſhall be ſtayed in the following manner, *to wit:* For all ſums not exceeding two pounds, twenty days; for all ſums above two pounds and not exceeding five pounds, ſixty days; for all ſums above five pounds and not exceeding ten pounds, one hundred and twenty days; for all ſums above ten pounds and not exceeding twenty pounds, ſix months.—And for the true and faithful payment thereof, with intereſt and coſts, the party praying ſuch ſtay of execution, ſhall, if required, give ſufficient ſecurity; and the acknowledgment of ſuch ſecurity, entered by the Juſtice, and ſigned by the party, ſhall be ſufficient to bind him; and if the judgment ſhall not be diſcharged at the time to which the execution has been ſtayed, then it ſhall be lawful for the Juſtice who has poſſeſſion of the judgment, to iſſue execution as aforeſaid againſt the principal and ſecurities.

Subject to appeal, &c.

Stay of execution.

Security, &c.

Officer's duty on a warrant iſſuing.

II. *And be it further enacted*, That in all warrants iſſued by a Juſtice of the Peace, againſt any perſon or perſons whatever, executors and adminiſtrators excepted, the Sheriff, Conſtable or other officer ſhall be commanded to take the body of the perſon therein mentioned as defendant, if to be found in his county, to anſwer the complaint of the plaintiff in ſuch warrant, before ſome Juſtice of his county; and ſuch officer, when required by the plaintiff, ſhall take bond, with ſufficient ſecurity, of the party arreſted, in double the ſum for which ſuch perſon ſhall be held in arreſt (which ſum and how due ſhall be expreſſed in the warrant) conditioned for his or her appearance at a certain time and place therein to be ſpecified, before ſome Juſtice of the county where the warrant iſſued; which bond ſhall be aſſigned by ſuch officer to the plaintiff, and returned with the warrant, and ſhall be filed by the Juſtice that ſhall try the warrant, with the other papers in the ſuit; and in caſe the Sheriff, Conſtable or other officer, ſhall fail or neglect to take ſuch bond, with ſecurity as aforeſaid, he ſhall be held and deemed ſpecial bail, and the plaintiff may proceed to judgment againſt the bail according to the rules herein after preſcribed.

Perſons refuſing to give bail to be committed to gaol.

III. *And be it further enacted*, That when any Sheriff, Conſtable or other officer, ſhall ſerve a warrant on any perſon or perſons who ſhall refuſe to give bond and ſecurity for his or her appearance as aforeſaid, ſuch officer is hereby required to commit ſuch perſon or perſons to the gaol of his county, in order that he may have ſuch perſon or perſons forthcoming at the day appointed for trial, and it ſhall be the duty of ſuch officer to produce his priſoner at ſuch trial; and all warrants, whether by ſummons, arreſt or attachment, ſhall be heard and determined on the day appointed by the officer ſerving the warrant as aforeſaid; which day ſhall be on or before the return day ſet forth in the warrant, unleſs the Juſtice ſhall for good reaſons put off the trial to ſome other day, at his diſcretion. And in caſe the plaintiff ſhall fail to attend or proſecute his ſuit, on the day appointed as aforeſaid, the defendant appearing ſhall be diſcharged. *Provided*, and it is hereby declared to be the duty of the officer ſerving a warrant, to notify the plaintiff of the time and place appointed to try and determine the cauſe. *Provided alſo*, that when the Sheriff, Conſtable or other officer ſhall have committed any defendant to gaol as aforeſaid, it ſhall be the duty of ſuch officer to give immediate notice thereof to ſome Juſtice in the county, and ſuch Juſtice ſhall appoint a day for the trial; and notice of the time of ſuch trial ſhall be given and ſerved on the plaintiff by the officer who ſerved the warrant.

Time and notice of trial, &c.

Bail how to be taken and proceeded againſt.

IV. *And be it further enacted*, That all bail taken according to the directions of this act, ſhall be liable to the recovery of the plaintiff; but the plaintiff, after final judgment, ſhall not take out execution againſt the bail, until an execution againſt the body of the defendant be firſt returned by the Sheriff, Conſtable or other officer, that the defendant is not found in his county, and not until a notice in writing iſſue againſt the bail by the Juſtice who has poſſeſſion of the papers in the original ſuit, hath been made known to the bail; and after the return of ſuch execution againſt the principal and notice againſt the bail, execution may iſſue againſt the principal and bail, or any of them, or any of their eſtates, unleſs the bail ſhall make it appear that the principal is dead, or that the judgment has been ſatisfied, or unleſs the bail ſhall ſurrender the principal at or before the return of ſuch notice to

the officer who ſerved the notice; in which latter caſe the Juſtice ſhall commit the principal to the gaol of his county, until he ſhall ſatisfy the judgment and coſts; and for ſerving ſuch notice the officer ſhall be allowed four ſhillings. 2, 1794.

Bail may ſurrender the principal.

V. *And be it further enacted by the authority aforeſaid,* That ſuch bail ſhall at any time before final judgment had againſt him, have full power and authority to arreſt the body of his principal, and ſecure him until he ſhall have an opportunity of ſurrendering him in diſcharge of himſelf to the officer who made the arreſt or ſerved the notice; and ſuch officer is hereby required to receive ſuch ſurrender, and hold the body of the defendant in cuſtody as if bail had never been given.

And whereas by neglect of Conſtables many warrants are not executed and returned in due time, to the great delay of juſtice:

Warrants when returnable.

VI. *Be it therefore enacted,* That in future all warrants ſhall be made returnable on or before thirty days from the date thereof (Sundays excepted) and not after; and it ſhall be the duty of the Sheriff, Conſtable or other officer to whom any warrant may be directed, to execute and return ſuch warrant for trial on or before ſuch day, if the perſon or perſons therein named ſhall be found in his county.

Where attachment may be iſſued.

VII. *And be it further enacted,* That in caſes where by this act a Juſtice of the Peace has juriſdiction, on complaint being made on oath by any perſon or perſons, his or their agent, attorney or factor, that any perſon hath removed or is removing him or herſelf out of the county privately, or ſo abſconds or conceals him or herſelf that the ordinary proceſs of law cannot be ſerved on ſuch debtor; and if ſuch plaintiff, his, her or their agent, attorney or factor, further maketh oath to the amount of his, her or their debt or demand, to the beſt of his, her or their knowledge and belief, it ſhall and may be lawful for any Juſtice of the Peace, and he is hereby empowered and required, to grant an attachment againſt the eſtate of ſuch debtor, wherever the ſame may be found in his county, or in the hands of any perſon or perſons indebted to, or having any of the effects of the defendant, or ſo much thereof as ſhall be of value ſufficient to ſatisfy the debt or demand, and coſts, of ſuch complaint; which attachment ſhall be returnable before ſome Juſtice of the Peace on or before thirty days after the date thereof, to be proceeded on as hereafter directed. *Provided always,* That every ſuch Juſtice, before granting ſuch attachment, ſhall take bond with ſufficient ſecurity of the party for whom the ſame ſhall be iſſued, his, her or their agent, attorney or factor, payable to the defendant, in double the ſum for which the complaint ſhall be made, conditioned to ſatisfy all coſts which ſhall be awarded to ſuch defendant in caſe the plaintiff ſhall be caſt, and alſo all damage which may be recovered againſt the plaintiff in any ſuit or ſuits which may be brought againſt him or her for wrongfully ſuing out ſuch attachment; which bond, together with the affidavit of the party complaining, ſubſcribed with his or her proper name, ſhall be filed by the Juſtice who ſhall try the cauſe, with the attachment and other papers relative thereto; and the proceedings thereon ſhall be had in a ſummary way, in the ſame manner as on warrants; and the defendant may replevy the property ſo attached, by giving bond and ſecurity to the officer ſerving ſuch attachment, conditioned to appear before ſome Juſtice of the Peace, to abide by and perform the order or judgment that ſhall be made thereon.

Bond to be taken before attachment is granted.

Proceedings thereon, &c.

Proceedings againſt garniſhee, &c.

VIII. *And be it further enacted,* That where the Sheriff, Conſtable or other officer ſhall ſerve an attachment in the hands of any perſon or perſons ſuppoſed to be indebted to, or ſuppoſed to have any of the effects of the party or parties abſconded or reſiding out of the ſtate, he ſhall at the ſame time ſummon ſuch perſon, as garniſhee, in writing, to appear before the Juſtice before whom the attachment ſhall be returned, then to anſwer on oath relative to what he or ſhe is indebted to the defendant, and what effects of the defendant he or ſhe hath in his or her hands, and had at the time of ſerving ſuch attachment, and what effects or debts of the defendant there are in the hands of any other perſon, and what perſon, to his or their knowledge or belief: and where any attachment ſhall be ſerved in the hands of any garniſhee in manner aforeſaid, it ſhall be lawful upon his, her or their appearance and examination, to enter up judgment and award execution againſt ſuch garniſhee, for all ſums of money due to the defendant from him or her, and for all the effects or eſtate of any kind belonging to the defendant in his or her poſſeſſion or cuſtody, for the uſe of the plaintiff, or ſo much thereof as ſhall be ſufficient to ſatisfy the debt and coſts, and all charges incident to levying and ſecuring the ſame; and all the goods and effects whatſoever in the hands of any garniſhee or garniſhees, belonging to any defendant, ſhall be liable to ſatisfy the plaintiff's judgment, and ſhall be delivered to the Sheriff or other officer ſerving the attachment: And when any garniſhee ſummoned as aforeſaid, ſhall not appear

2, 1794.

and discover on oath as by this act directed, it shall be lawful for the Justice to issue a notice in writing for the said garnishee to appear at such place and on such day as he may appoint, to shew cause why judgment shall not be entered and execution awarded against him; which notice shall be served by the Sheriff, Constable or other officer, and upon such notice being duly executed and returned, if the garnishee shall fail to appear and discover upon oath in manner aforesaid, the Justice shall give judgment against such garnishee for the plaintiff's full demand, with costs, and award execution accordingly.

Proceedings where property attached is claimed.

IX. *And be it further enacted*, That where any property attached as aforesaid, shall be claimed by any other person or persons, and to determine the right the intervention of a jury may be necessary, the party claiming such property may appeal to the next county court, where such right upon an issue joined, shall be tried by a jury of good and lawful men; the party claiming first giving bond with sufficient security to pay all costs and charges, in case he, she or they shall fail to prosecute the said suit with effect; and the verdict of the jury in such case shall be concluſive as to the parties then in court, and the court shall give judgment accordingly.

Disputed garnishments to be returned to court.

X. *And be it further enacted*, That when any garnishee shall on his or her garnishment deny that he or she has in his or her possession any property of the defendant, and the party plaintiff in such attachment, shall on affidavit suggest to the Justice, that such garnishee owes to, or has property in his or her hands belonging to the defendant, or when any garnishee shall on his or her garnishment make such a statement of facts that the Justice before whom such garnishment shall be made, cannot proceed to give judgment thereon, then and in either of these cases, the Justice shall return the attachment and other papers to the next county court to be held for his county, and the court shall order an issue or issues to be made up and tried by a jury, and the court shall give judgment on the verdict of the jury as in other cases.

Goods attached, may be replevied.

XI. *And be it further enacted by the authority aforesaid*, That when any goods or other estate shall be attached by virtue of any attachment issued agreeable to the directions of this act, it shall and may be lawful for the defendant or defendants, his, her or their attorney, agent or factor, to replevy the same, by giving bond with sufficient security to the Sheriff, Constable or other officer, serving such attachment; which said bond the Sheriff, Constable or other officer is hereby empowered and required to take, to appear before the Justice to whom such attachment is returnable, and to abide by, perform and satisfy the order and judgment of such Justice: And when the estate attached shall by three freeholders of the county, to be summoned by the Sheriff, Constable or other officer for that purpose, be certified on oath to be perishable, and the person or persons to whom it belongs, his, her or their attorney, agent or factor, shall not within thirty days after the serving such attachment, replevy the same, then such estate shall be sold at public vendue by the Sheriff, Constable or other officer: he having first advertised such sale at the court-house, and other public places in his county, at least ten days before the sale, and the money arising from such sale shall be liable to the judgment obtained upon such attachment, and shall be retained and kept by the officer to wait the event of such judgment.

When perishable to be sold.

And whereas it often happens, that garnishees declare that they have in their hands property of the defendant or defendants of a specific nature, which renders it necessary that provision should be made for ascertaining the value of such specific property, so as to enable the party plaintiff where he shall have his recovery, to sue out execution for the same; for remedy whereof,

Proceedings where garnishee has specific property.

XII. *Be it enacted*, That from and after the passing of this act, whenever any garnishee shall on oath confess, that he or she has in his or her hands any property of the defendant of a specific nature or is indebted to such defendant by any security or assumption for the payment or delivery of tobacco or other specific article, then in either of those cases, the Justice before whom such garnishment shall be made, shall immediately order three freeholders to be sworn to enquire of the value of such specific property, and their verdict shall subject such garnishee to the payment of such valuation, or so much thereof as shall be sufficient to satisfy the debt and costs of the party at whose instance such garnishee shall have been summoned. *Provided always*, that such garnishee who may on oath confess, that he or she has in his or her hands any specific property of the defendant, as left or deposited in his or her possession by such defendant, may always exonerate him or herself by delivering such property to the Sheriff, Constable or other officer who levied such attachment or may levy the execution issued thereon. *Provided always*, that when judgment shall be entered up against any garnishee, declaring as aforesaid, he shall on giving security if required, have the same stay of execution as such garnishee

would have been entitled to had he been original defendant in the ſuit.

Stay on attachment.

XIII. *And be it further enacted*, That in all ſuits commenced by attachment as in this act directed, which ſhall be returnable before a Juſtice of the Peace, the Juſtice to whom ſuch attachment ſhall be returned, ſhall ſtay all proceedings thereon for the ſpace of thirty days, unleſs the defendant to ſuch ſuit by attachment, his agent or attorney, ſhall replevy the goods, chattels or property ſo attached.

And whereas by the preſent mode of proceedings on attachments, the perſon or perſons who enter themſelves as ſpecial bail on replevying the property, become ſpecial bail to anſwer the whole demand of the plaintiff:

Bail on replevying liable only for the property they hold, &c.

XIV. *Be it therefore enacted*, That the perſon or perſons entering themſelves as ſpecial bail on replevying the property attached, ſhall only be held liable to anſwer the value of the property which he, ſhe or they as aforeſaid do reſpectively hold or have returned in the garniſhment, and no more; but the ſecurity replevying, ſhall not avail themſelves of paying the value of the property ſo replevied, unleſs ſuch ſecurity ſhall on the return of ſuch attachment to the Juſtice, require that ſuch value ſhould be aſcertained by an enquiry; which enquiry the Juſtice ſhall have executed on requeſt as aforeſaid, by three freeholders by him ſummoned to aſſeſs and value ſuch property on oath, notice being given to the plaintiff in attachment, his agent or attorney, at leaſt five days before ſuch enquiry ſhall be executed.

Juſtice to advertiſe when perſons reſide out of county

XV. *And be it further enacted*, That when any attachment iſſued agreeably to this act, ſhall be returned to any Juſtice of this ſtate as levied on the goods and chattels, lands and tenements of any perſon or perſons reſiding without the county in which ſuch attachment iſſued, it ſhall be the duty of the Juſtice to direct advertiſements of the ſame for the ſpace of thirty days.

Proceſs not to be ſet aſide for want of form.

XVI. *And be it further enacted*, That no attachment, warrant, or other proceſs iſſued by a Juſtice of the Peace, ſhall be ſet aſide for the want of form, if the eſſential matters required are ſet forth in ſuch proceſs.

Security on appeals how taken, &c.

XVII. *And be it further enacted*, That in all caſes where appeals ſhall be granted from the judgment of a Juſtice, the acknowledgment of the ſecurity, and ſubſcribed with his or her proper hand writing, atteſted by the Juſtice, ſhall be ſufficient to bind the ſecurity to abide by and perform the judgment of the court; and where judgment ſhall be againſt the appellant, the ſame ſhall be entered on motion againſt the ſecurity, and execution ſhall iſſue againſt the principal, or againſt both principal and ſecurity, at the option of the plaintiff. And whereas, in many inſtances, plaintiffs appeal for the purpoſe of harraſſing and injuring the defendant by accumulating coſts and charges: for remedy whereof, in all caſes of appeal by the plaintiff, ſuch appeal ſhall be at the coſts of the plaintiff, unleſs the court, on the trial, ſhall be of opinion that there was ſufficient cauſe for ſuch appeal, and in ſuch caſe the plaintiff ſhall recover his coſts on motion.

Coſts on appeals.

Juſtice to return appeals to court, and iſſue ſubpœnas for witneſſes.

XVIII. *And be it further enacted*, That when any Juſtice of the Peace ſhall grant an appeal to the county court, it ſhall be the duty of ſuch Juſtice to return ſuch appeal on or before the ſecond day of the court to which it may be returnable; and he is hereby authoriſed and required, on application of either of the parties, to iſſue ſubpœnas, directed to the Sheriff, or other lawful officer, in any county in this ſtate, for witneſſes to appear and give teſtimony at the court to which ſuch appeal is returnable; and the officer to whom ſuch ſubpœna ſhall be directed, and the witneſſes ſummoned in conſequence thereof, ſhall be under the ſame rules aud regulations, and ſubject to the ſame penalties, and entitled to the ſame pay, privileges and emoluments as if ſuch ſubpœna had iſſued from the Clerk of the court to which ſuch appeal ſhall be returnable.

And whereas lands are often ſold in conſequence of judgments given by a Juſtice of the Peace, therefore it becomes neceſſary that a record of ſuch judgment ſhould be made in ſome proper office, ſo that it may appear of record in future by what authority ſuch lands and tenements were ſold and conveyed: Therefore,

Executions how to be iſſued, returned, &c.

XIX. *Be it enacted*, That executions iſſued by a Juſtice of the Peace againſt the eſtate of any perſon or perſons, ſhall be directed to the Sheriff, Conſtable or other lawful officer, commanding him, that of the goods and chattels of the party caſt, he make ſuch ſum or ſums of money therein mentioned, or for want of ſuch goods and chattels to ſatisfy ſaid execution, then he levy on the lands and tenements of ſuch perſon or perſons, and make return thereof to the Juſtice who iſſued the ſame, ſetting forth on the execution the money he has made of the goods and chattels, and what lands and tenements he has levied on, where ſituate, on what water courſe, and whoſe lands it is adjoining; and the Juſtice to whom the return is made, ſhall return ſuch execution, with all other papers on which

the judgment was given, to the next court to be held for his county; which land ſhall by order of ſaid court, be ſold by the Sheriff of the ſaid county, or ſo much thereof as may be ſufficient to ſatisfy ſuch judgment, in the ſame manner as real property is ſold by writs of *Fieri Facias* or *Venditioni Exponas* iſſuing from ſuch court; and the Clerk of the court where ſuch papers are returned, ſhall in a well bound book to be kept for that purpoſe, record the whole of the papers and proceedings had before the Juſtice; for which he ſhall be allowed the ſame fee as for entering a judgment in any other ſuit.

Executions againſt perſons removing out of the county, how proceeded on, &c.

XX. *Be it further enacted by the authority aforeſaid*, That when any execution ſhall iſſue to a Sheriff, Conſtable or other officer, in virtue of a judgment obtained before any Juſtice of the Peace, and the perſon or perſons againſt whom ſuch judgment may be obtained ſhall remove him or themſelves to any other county within this ſtate, and the Sheriff or other officer cannot find any property whereon to levy ſaid execution, then and in ſuch caſe, the ſaid Sheriff or other officer ſhall return ſuch execution to the next court to be held for ſaid county, and the plaintiff on application ſhall be entitled to an execution for the whole or any part of ſaid execution which remains unpaid by the return of ſuch officer; and the clerk by order of ſaid court ſhall make a record of the ſame, and iſſue execution to the county where the defendant or defendants reſide, in the ſame manner and under the ſame rules as in caſes of judgments obtained in ſaid courts.

Witneſſes to be ſummoned, &c.

XXI. *And be it further enacted*, That any Juſtice of the Peace is hereby authorized and required, on application of either plaintiff or defendant named in any original proceſs iſſued by a ſingle Juſtice, to direct the Sheriff, Conſtable or other lawful officer, by an order in writing on the proceſs, to ſummon witneſſes to appear and give teſtimony in ſuch ſuit at the time and place appointed for trial; and ſuch witneſſes failing to appear and give evidence, ſhall forfeit and pay the ſum of two pounds current money to the party at whoſe inſtance he was ſummoned, and further be liable to the action of the party aggrieved, for damage ſuſtained for his non-attendance; which fine ſhall be recovered before any Juſtice of the Peace, unleſs ſuch witneſs, on affidavit or otherwiſe, ſhall ſhew ſufficient cauſe to the contrary, ſubject nevertheleſs to an appeal to the county court as in other caſes.

Fees for ſerving a warrant, &c.

XXII. *And be it further enacted by the authority aforeſaid*, That the Sheriff, Conſtable or other officer ſerving any warrant, ſhall be entitled to the following and no other or greater fees for his ſervices, *to wit*, For ſerving every warrant, for each perſon named therein, four ſhillings; ſummoning every witneſs, two ſhillings; for every execution, four ſhillings; for every attachment levied, five ſhillings, for every bail bond, one ſhilling.

Former acts repealed, This act when in effect.

XXIII. *And be it further enacted*, That all and every act, parts and clauſes of acts, which are contrary to the meaning, and come within the purview of this act, be and the ſame are hereby repealed and made void. *Provided always*, That this act ſhall not begin to operate, or be in force, until from and after the firſt day of Auguſt next.

CHAP. XIV. *An Act to explain and ſupply the deficiencies of certain acts of Aſſembly reſpecting ſales made by executors and adminiſtrators.*

WHEREAS doubts have been ſuggeſted reſpecting the operation of certain acts of Aſſembly, authoriſing and directing the ſale of perſonal or periſhable eſtate by executors or adminiſtrators: For remedy whereof,

Duty of executors, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the meaning and operation of the ſaid acts are, that when the eſtate of any perſon deceaſed, ſhall be ſo far indebted as that the debts cannot be diſcharged by the monies on hand at the death of the teſtator, or when ſale ſhall be deemed neceſſary for a juſt and proper diſtribution or diviſion of ſuch perſonal eſtate, that then it is and ſhall be the duty of every executor or executrix, adminiſtrator or adminiſtratrix, to ſell and diſpoſe of the goods and chattels of his or her teſtator or teſtatrix, or inteſtate, firſt obtaining an order of the court of the county for that purpoſe, for the moſt that may be gotten for the ſame, by public ſale, having firſt advertiſed the ſame at the court-houſe and four other public places within the county, at leaſt twenty days before the ſale; and ſhall for enhancing the price thereof, give not leſs than ſix months credit, upon bond and ſecurity given; and that ſuch executor or executrix, adminiſtrator or adminiſtratrix, ſhall after the time of ſuch payment is paſt, take and purſue all lawful ways and means to recover and receive the money ſo due as aforeſaid, or otherwiſe ſhall be chargeable and anſwerable for the ſame; and that ſuch monies when

received, ſhall be liable to the ſatisfaction of judgments previouſly obtained and entered up as a judgment when aſſets ſhould come to the hands of the executor or adminiſtrator. 2, 1794.

II. *And be it further enacted*, That nothing in this act ſhall be conſtrued to affect the powers, truſt or authorities of an executor or executrix derived from the will of his or her teſtator or teſtatrix.

III. *And be it further enacted by the authority aforeſaid*, That the naming or appointing any perſon executor, ſhall not be conſidered as a diſcharge of any debt or demand due from the perſon ſo named as executor to the teſtator. Executor not diſcharged of debt due to teſtator.

CHAP. XV. *An act the more effectually to ſecure the payment of the tax on lands, and to preſcribe the duty of the County Courts in certain caſes.*

WHEREAS by the preſent mode of giving in the liſt of taxables, the payment of the land tax may be evaded: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, all owners of lands lying within this ſtate, ſhall by themſelves, their agents or attornies, give in liſts of the ſame in the ſeveral counties reſpectively in which the ſaid lands are ſituated, and the taxes upon the ſame ſhall be collected by the tax-gatherers, and accounted for in the ſame manner as directed in other caſes. Liſts of lands how to be given in.

II. *And be it further enacted*, That the owners of all town-lots within this ſtate, ſhall by themſelves, their agents or attornies, give in a liſt of the ſame, deſignating their numbers, in the town or counties reſpectively in which the ſame are ſituated, and the taxes on the ſame ſhall be collected in the ſame manner with other town property. Town-lots.

III. *And be it further enacted*, That if any owner of land lying within this ſtate, or any owner of town property within this ſtate, ſhall fail, by himſelf, agent or attorney, to give in a liſt of the ſame in the counties in which the ſaid lands or town lots are ſituated, the Sheriff of the ſaid counties in which the ſame are reſpectively ſituated, ſhall advertiſe the ſaid lands or town property, at three of the moſt public places within the county, and at the court-houſe of the diſtrict wherein the lands are ſituated, and alſo in the gazette of the ſtate, the printer of which is hereby required to publiſh the ſame; and if no perſon pays the tax on the ſame, ſhall, ſixty days after ſuch advertiſement, ſell the ſaid lands or town lots, or ſo much thereof as may be neceſſary to pay the ſaid tax with contingent charges. Proceedings on neglect.

IV. *And be it further enacted*, That it ſhall be the ſpecial duty of the court of each county in this ſtate, at the court which ſhall be held in their reſpective counties after the firſt day of April next, to call on all former Entry-takers who have held that office ſince the year one thouſand ſeven hundred and ſeventy-ſeven, and have vacated their offices by reſignation or otherwiſe, and who ſtill retain in their poſſeſſion the entry-books and papers, by them kept; as alſo all heirs and repreſentatives of any Entry-taker who may have died, who may have in their hands the books of any ſuch Entry-taker, to ſurrender to ſaid court all ſuch books and papers; and ſaid court ſhall proceed to examine all ſuch papers when ſo delivered to them, and ſhall make thereon ſuch remarks as ſhall to them be deemed needful, and the ſaid books and papers when ſo examined, ſhall be depoſited in the hands of the preſent Entry-takers, whoſe duty it ſhall be to ſafely keep the ſame, ſubject nevertheleſs to the peruſal of any perſon who may wiſh to examine the ſame on paying the fees allowed by law. Duty of county court reſpecting entry books, &c.

V. *And be it further enacted*, That if any perſon having in his or their hands, any ſuch books and papers, and ſhall refuſe to ſurrender up the ſame when called upon as by this act directed, ſhall forfeit and pay the ſum of one thouſand pounds, to be recovered by any perſon proſecuting for the ſame in any court having juriſdiction thereof, and ſhall be applied to the uſe of the ſtate. Penalty on perſons refuſing to deliver up books, &c.

CHAP. XVI. *An Act making proviſion for the redemption of the certificate debt of the ſtate.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, all lands entered in this ſtate, ſhall be paid for at the rate of fifty ſhillings per hundred acres. And it ſhall and may be lawful for any perſon making entry of vacant lands in this ſtate hereafter, to pay the officer appointed by law, Entries of land how to be paid, &c.

2, 1794.

the purchaſe money thereof, either in caſh or in certificates, at his option, calculating both the principal and intereſt of the certificates up to the date of the entry. *Provided*, that the certificates iſſued at Warrenton, in one thouſand ſeven hundred and eighty-ſix; thoſe iſſued by Patrick Travers Commiſſioner of Cumberland county; and thoſe commonly called Weſtern or Chichamauga certificates, ſhall not be received in payment for any entries made in purſuance of this act.

And to the end the amount of the out-ſtanding certificate debt may be aſcertained, and the ſtate thereby enabled to make proviſion commenſurate to its redemption.

Certificates to be regiſtered, &c.

II. *Be it further enacted by the authority aforeſaid*, That all perſons holding certificates of the debt of North-Carolina, ſhall, on or before the firſt day of December next, preſent them at the Comptroller's office, and cauſe them to be regiſtered: which the Comptroller is hereby directed to do in a book to be purchaſed and kept for that purpoſe; and for ſuch his ſervices he ſhall be allowed by the next Aſſembly, it being out of the ordinary line of his duty. And that all acts and part of acts coming within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XVII. *An Act to prevent the iſſuing of grants for lands entered with any of the Entry-takers in this ſtate, in certain caſes.*

WHEREAS it is repreſented to this General Aſſembly that great quantities of land have been entered with the different Entry-takers within this ſtate, and the purchaſe money thereof not previouſly paid, which conduct is not warranted by law:

Duty of Secretary in iſſuing grants, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Secretary of the ſtate is hereby directed not to iſſue any grants for land entered with any of the Entry-takers in this ſtate, ſubſequent to the firſt day of January in the year one thouſand ſeven hundred and ninety-four, until the perſon claiming ſuch land as aforeſaid ſhall produce to the Secretary a certificate from the Comptroller, certifying that a return from the Entry-taker of the county where the lands lie, hath been made in his office; alſo the number of the entry and the amount thereof; and ſhall further produce to the Secretary a receipt from the Treaſurer, certifying that the purchaſe money for ſuch land hath been fully accounted for and paid by the Entry-taker aforeſaid, any thing to the contrary notwithſtanding. *Provided always*, that nothing herein contained ſhall be conſtrued to prevent any perſon who hath *bona fide* paid to the Entry-taker the purchaſe money for his land, from obtaining a title thereto. And the evidence of this payment ſhall be the receipt of the Entry-taker, and the affidavit of the enterer or grantee, or his aſſigns, that he hath paid or cauſed to be paid to the Entry-taker in whoſe office the entry was made, the whole amount of the money due for ſuch land ſo entered; which receipt and affidavit ſhall be filed in the Secretary's office.

And whereas it frequently happens that the purchaſe money for lands, after being paid to the Entry-taker, is not accounted for by him to the Public-Treaſurer:

Entry-taker to take his fees only, and money to be paid Treaſurer before the grant iſſues.

II. *Be it alſo enacted*, That it ſhall not hereafter be lawful for any Entry-taker to receive from the perſon entering land in his office, more than his own fees; but it ſhall in all inſtances be the duty of the perſon entering, to pay the purchaſe money to the Treaſurer and take his receipt for the ſame, previous to the warrant's iſſuing upon ſuch entry; and the Secretary of ſtate is hereby directed not to iſſue any grant for lands upon entries hereafter to be made, until the party applying for the ſame ſhall produce to him a certificate from the Comptroller that ſuch payment hath been made.

Warrants not to be removed out of the county.

III. *And be it further enacted*, That in no entry made of lands within the preſent bounds of this ſtate, ſhall the warrant be removed laid on other lands than thoſe ſpecially located and deſcribed in the firſt inſtance upon the Entry-taker's books, except in the ſame county in which the entries were originally made.

Former acts repealed.

IV. *And be it further enacted*, That all acts, ſections and clauſes of acts, coming within the purview and meaning of this act, be and the ſame are hereby repealed and made void.

Warrants for entries in Armſtrong's office how to be iſſued.

V. *And be it further enacted*, That the Comptroller be and he is hereby authoriſed and required to iſſue warrants on the entries made in the late entry-office of John Armſtrong, in all caſes where warrants have not heretofore iſſued, and in which the purchaſe money or certificates have been paid.

CHAP. XVIII. *An act to prevent any Juſtice of the Peace from voting in his own election to the office of Clerk of the County Court, Regiſter, Entry-taker, Surveyor, County Truſtee or Ranger.* 2, 1794.

Juſtice not to vote on his own election, &c.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act it ſhall not be lawful for any Juſtice of the Peace, being a candidate for the office of a County Court Clerk, Regiſter, Entry-taker, Surveyor, County Truſtee or Ranger, of his own county, to vote or ſit on the bench at the election; and if any Juſtice of the Peace ſhall hereafter preſume to ſit on the bench or vote in ſuch election, his vote ſhall not be counted, and he ſhall forfeit and pay for every ſuch offence the ſum of fifty pounds, to be recovered by action of debt, one half to the perſon ſuing for the ſame, and the other half to the uſe of the county: any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XIX. *An act to amend the act approbating the new Great Seal of the ſtate, paſſed at Fayetteville the laſt annual ſeſſion.* 1793, 25, 95.

WHEREAS a proper ſcrew has not yet been procured to make impreſſions with the new Great Seal:

Impreſſions with old ſeal authenticated, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That all grants, commiſſions, proclamations and other public acts which have been atteſted and authenticated with the old Seal, ſince the time preſcribed in the ſaid act for the uſe of the new Great Seal, or which may be ſo atteſted and authenticated, ſhall be good and valid in law to all intents and purpoſes. And the Governor is hereby authoriſed to continue the uſe of the old Seal until he ſhall be able to procure a ſcrew to make impreſſions with the new one.

And whereas the ſaid act directs that the new Great Seal of the ſtate ſhall be depoſited in the Secretary's office, which is contrary to a proviſion in the conſtitution.

Former acts repealed.

II. *Be it enacted,* That ſo much of the ſaid act as directs the ſaid Seal to be depoſited in the Secretary's office, be and the ſame is hereby repealed and made void.

CHAP. XX. *An act to amend an act, entitled, "An act to carry into effect the Ordinance of the Convention held at Hillsborough, in July, one thouſand ſeven hundred and eighty-eight, entitled, An Ordinance for eſtabliſhing a place for holding the future meetings of the General Aſſembly, and the place of reſidence of the chief officers of the ſtate."* 1791, 6, 4. 1792, 14, 48.

WHEREAS the ſaid act requires a majority of the Commiſſioners appointed under the ſaid act, to ſell and diſpoſe of the lots in ſaid town and execute deeds for the ſame, which number cannot conveniently attend:

Three commiſſioners empowered to ſell lots, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That any three of the ſaid Commiſſioners ſhall be competent, and have full power to ſell and diſpoſe of the lots which remain unſold, and alſo to execute deeds for the ſame to the purchaſer or purchaſers; and to do and perform all acts and things reſpecting the ſale and conveyance of ſaid lots, which a majority of ſaid Commiſſioners could or might do.

CHAP. XXI. *An act to empower the ſeveral County Courts in this ſtate to eſtabliſh Fairs therein.*

WHEREAS frequent applications from particular counties are made to the Legiſlature to eſtabliſh fairs therein, thereby producing a delay of public buſineſs, when they might as well be eſtabliſhed by the county courts:

County courts may appoint fairs, &c.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, it ſhall and may be lawful for the ſeveral County Courts in this ſtate, to appoint a fair or fairs in their reſpective counties, at ſuch place or places as they may judge moſt proper for the convenience of the inhabitants, ſo as to afford an opportunity and give encouragement to induſtry, by collecting the inhabitants for the purpoſe of exchanging bartering and ſelling of all ſuch articles as they may wiſh or be neceſſitated to diſpoſe of.

2, 1794.

Commiſſioners to regulate the ſame, &c.

II. *And be it further enacted*, That when any of the ſaid courts may think proper to eſtabliſh a fair, they ſhall nominate and appoint Commiſſioners to regulate and conduct the ſame, by drawing up and forming a ſyſtem of bye-laws for the government thereof, to be approved of by ſaid court and entered of record; which rules ſo formed as aforeſaid, ſhall be conſidered as valid and as effectual as if they had been expreſſed by an act of Aſſembly for that ſpecial purpoſe. *Provided neverthelefs*, That ſaid rules ſhall not be contrary or inconſiſtent with the law of the land.

Inhabitants to have liberty of the ſame.

III. *And be it further enacted*, That the inhabitants of every county wherein any fairs ſhall be ſo eſtabliſhed, ſhall have free liberty and power to attend the ſame, diſpoſe, exchange or barter any article or articles whatſoever therein, without any reſtraint or diſtinction whatever, ſubject neverthelefs to ſuch rules as the Commiſſioners aforeſaid or a majority of them, ſhall or may form for the regulation thereof.

Majority of Juſtices neceſſary.

IV. *And be it further enacted*, That a majority of the acting Juſtices ſhall in all caſes be preſent when any order or decree of the court is paſſed for eſtabliſhing ſuch fair or fairs; and that no leſs number than a majority ſhall have ſuch power and authority as aforeſaid; and a majority of the Commiſſioners who may be appointed to regulate the ſame, ſhall in all caſes be a quorum ſufficient to tranſact any buſineſs relative thereto.

1, '84, 19, 486.

CHAP. XXII. *An act to explain and amend an act, entitled, "An act to empower the County Surveyors to make ſurveys and returns in the manner therein mentioned."*

Act explained.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all the lands in this ſtate lying to the eaſtward of the line of the ceded Territory, ſhall be deemed and conſidered as coming within the meaning and purview of the ſaid act.

2, 1777, 2, 296.

CHAP. XXIII. *An act to alter and amend part of an act, paſſed at Newbern, in the year one thouſand ſeven hundred and ſeventy-ſeven, entitled, "An act for eſtabliſhing Courts of Law, and regulating the proceedings therein."*

WHEREAS it is provided by the ſixty-ſixth clauſe of the ſaid act, that the vacancy of the County Clerk ſhall be filled by the court of pleas and quarter-ſeſſions where ſuch vacancy happens, a method ſubject to abuſe, inaſmuch as the power may be exerciſed by a very ſmall number of the Juſtices: For remedy whereof,

Majority of Juſtices to appoint a Clerk, &c.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, when any vacancy ſhall happen in the office of Clerk of the county, a majority of the Juſtices of the court of pleas and quarter-ſeſſions of the county where ſuch vacancy ſhall be, ſhall appoint a perſon of ſkill and probity to fill ſuch vacancy; and all Clerks of the ſaid courts ſhall hold their offices during good behavio ur.

II. *And be it further enacted*, That ſo much of the before recited clauſe as comes within the meaning and purview of this act, be and the ſame is hereby repealed and made void.

1793, 16, 90.

CHAP. XXIV. *An act to amend an act, entitled, "An act to amend ſuch parts of the act, entitled, An act for eſtabliſhing courts of law, and for regulating the proceedings therein, as may relate to proceedings on attachments; and for amending an act for making proceſs in equity effectual againſt perſons who abſcond and who reſide without the limits of the ſtate, and for better regulating the proceedings in the court of equity."*

WHEREAS by the above recited act many garniſhees as well on original as judicial attachments, are made liable to pay money, when in fact their contract or aſſumption was only for the payment or delivery of ſpecific articles:

Garniſhments for ſpecific articles due, how to be proceeded on.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That when any perſon ſummoned as a garniſhee, ſhall upon his or her garniſhment, ſtate that he or ſhe is indebted to the defendant by ſpecialty or aſſumption for the payment or delivery of any ſpecific article, that he hath tendered the ſame agreeable to contract, and

that it was refuſed by the defendant; or that he then was and had always been ready to deliver the ſame, or that he had ſuch ſpecific article at the time and place ſpecified in ſuch covenant or agreement ready to be delivered, and that he was ſtill ready to deliver the ſame; and when ſuch garniſhment ſhall be admitted by the plaintiff, or found by a jury, then in any of the ſaid caſes ſuch garniſhee ſhall and may be exonerated by the delivery of ſuch ſpecific article or articles to the Sheriff who levied the attachment, who ſhall proceed as if the attachment had been originally levied on ſuch article or articles. 2, 1794.

And when due at a future day.

II. *And be it further enacted by the authority aforeſaid*, That when any garniſhee ſhall declare on his garniſhment, that the money or ſpecific article due by him or her will become payable or deliverable at a future day, and the ſame ſhall be admitted by the plaintiff or found by the jury, then and in ſuch caſe conditional judgment ſhall be entered againſt ſuch garniſhee, and the plaintiff may proceed to aſcertain his demand by judgment againſt the defendant, but ſhall not take final judgment againſt ſuch garniſhee without notice by *ſcire facias*, on which the plaintiff may proceed as in other caſes; and that ſo much of the before mentioned act and all other acts and parts of acts that come within the purview and meaning of this act, are hereby repealed and made void.

CHAP. XXV. *An act to repeal the third ſection of an act, paſſed at Fayetteville, in the year one thouſand ſeven hundred and ninety, entitled, "An act to repeal all acts, clauſes and parts of acts of the General Aſſembly of this ſtate as relate to claſſing of tobacco."* 1790, 25, 705.

WHEREAS the ſaid third ſection of the above recited act is found by experience to be injurious and oppreſſive to many of the good planters of this ſtate, and not to anſwer the good intentions of the ſaid law: For remedy whereof,

Section of a law repealed.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the firſt day of July next, the above recited third ſection be and the ſame is hereby repealed and made void. *Provided nevertheleſs*, That the proprietors of ſuch condemned tobacco ſhall have the privilege of letting ſaid tobacco remain in the ware-houſe ſix months after the inſpection thereof, and ſhall be entitled to have ſuch tobacco reinſpected if he thinks proper.

Tobacco burnt.

II. *And be it further enacted*, That all tobacco that is found not fit for exportation, ſhall be conſumed by fire.

CHAP. XXVI. *An act to aſcertain the Pilotage which ſhall be allowed the Pilots at Occacock-Inlet, and the ſeveral ſounds and rivers to which veſſels go which come in over ſaid inlet.*

WHEREAS the fees heretofore allowed to pilots at Occacock-Inlet, is found inadequate to their trouble and riſk:

Rates of pilotage.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, all pilots legally authorized to take charge of veſſels to bring in over Occacock-Bar, or up to either of the ports of Newbern, Waſhington, Edenton or Camden, ſhall be entitled to demand and receive from the commander of ſuch veſſel as they may have had charge of, the following pilotage, *to wit*, For every veſſel or veſſels drawing any draft of water under eight feet, from the out ſide of the Bar into Beacon-Iſland Road or Wallace's Channel, at the option of the commander, five ſilver dollars; and for every ſhip or veſſel that draws eight feet water or more, and under twelve feet, five-eights of a dollar per foot; and for every ſhip or veſſel drawing twelve feet water or more, one dollar per foot; and the ſame fees out over the Bar as in; and for every ſhip or veſſel over either of the Swaſhes, two dollars; and for every ſhip or veſſel from the mouth of the Swaſh to either of the ports of Newbern or Waſhington, drawing any draft of water, one dollar per foot; and for every ſhip or veſſel from the mouth of the Swaſh to the port of Edenton, twelve dollars, and to the port of Camden, ten dollars; and the ſame allowance down as up.

Branch pilot to be paid if he boards a veſſel tho' the maſter ſhould refuſe to take a pilot.

II. *And be it further enacted*, That if a branch pilot ſhall go off to any veſſel bound in, and offer to pilot her in over the Bar, the maſter or commander of ſuch veſſel, if he refuſes to take ſuch pilot, ſhall pay and ſatisfy to ſuch pilot, if not previouſly furniſhed with one, the ſame ſum as is allowed

2, 1794. by law for conducting ſuch veſſel in, provided his veſſel ſhall be above forty tons burthen.

Former act repealed. III. *And be it further enacted*, That ſo much of an act of Aſſembly paſſed at Hillſborough, in April, one thouſand ſeven hundred and eighty-four, as comes within the purview of this act, is hereby repealed and made void.

1, '84, 28, 504.

CHAP. XXVII. *An act to annex part of the county of Mecklenberg to the county of Cabarrus.*

WHEREAS it is repreſented by petition to this General Aſſembly, that it will be more convenient, and greatly contribute to the ſatisfaction of a number of the preſent inhabitants of the county of Mecklenberg to be added to the county of Cabarrus:

Dividing line. I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all that part of the county of Mecklenberg, which ſhall or may be included by a line beginning at Pickens's Ford on Clark's creek, running ſuch a courſe and direction as to include the following perſons, and the land whereon they live, *to wit*, John Wilſon, Robert Hope, Zaccheus Wilſon, John Sloan, Nathaniel Giles, and Doctor Charles Harriſs, from thence to the north-eaſt corner of Adam Meek's dwelling houſe on the Cabarrus line, ſo as to include the ſaid Adam Meek in Mecklenberg county, ſhall be added to the county of Cabarrus in as full and ample a manner as if the ſame had been included at the time of the diviſion. *Provided nevertheleſs*, That nothing contained in this act ſhall be ſo conſtrued as to prevent the Sheriff of the ſaid county of Mecklenberg from collecting any public tax or other arrearages due at the time of this addition.

CHAP. XXVIII. *An act to annex part of the county of Rutherford to Buncombe.*

Dividing line. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, all that part of the county of Rutherford, weſt of a line beginning at the Sugar-Loaf Mountain; from thence a direct line to the Hongary Mountain, and along ſaid Mountain to Green-River, croſſing the ſame; and from thence a direct line to the South-Carolina boundary, and all that part lying to the weſt of the line aforeſaid, ſhall be annexed to, and conſidered a part of the county of Buncombe. *Provided*, That nothing in this act ſhall be underſtood to prevent the Sheriff of the county of Rutherford from collecting all public taxes now due in that part of the ſaid county, which comes within the deſcription of this act, any thing to the contrary notwithſtanding.

CHAP. XXIX. *An act to amend an act, entitled, "An act for regulating Ordinaries, Houſes of Entertainment and Ferries, and other purpoſes," paſſed at Halifax, in the year one thouſand ſeven hundred and ſeventy-nine.*

3, '79, 10, 391.

WHEREAS the ſums which by the before recited act, ordinary-keepers are limitted to in ſelling drink by ſmall meaſure on credit, are by the depreciation of the money at the time of paſſing ſaid act, ſo ſmall as to render the law in that reſpect in many caſes injurious and oppreſſive in its operation: For remedy whereof,

Part of an act repealed. I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act the tenth ſection of the before recited act be and the ſame is hereby repealed and made void.

Ordinary keeper not to credit above 5l. for liquors. II. *And be it further enacted by the authority aforeſaid*, That no ordinary-keeper ſhall ſell drink by ſmall meaſure upon credit to any perſon whatſoever to a greater amount than five pounds, unleſs the perſon ſo credited ſhall ſign a book in the preſence of one or more ſufficient witneſs or witneſſes in acknowledgment of the ſaid debt, under the penalty of loſing the money ſo credited; and in any action brought for recovery of ſuch debt, the general iſſue may be pleaded, and this act given in evidence.

CHAP. XXX. *An Act to repeal part of an act, entitled, "An act to prescribe the mode of paying the militia officers and soldiers for their services on an expedition carried on against the Chicamauga Indians by Brigadier-General Joseph Martin, in the year one thousand seven hundred and eighty-eight," passed at Fayetteville in the year one thousand seven hundred and eighty-nine; and all acts, parts or clauses thereof that has or does empower and authorise the Comptroller to issue certificates for services on any expedition against said tribes of Indians.*

2, 1794

1789, 71, 693.

Private.

BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing this act, all and every part or parts of the before recited act, or of any other act or acts, or clauses thereof, that has heretofore extended, or does now extend to authorise and empower the Comptroller to issue certificates for services performed on any expedition against the Chicamauga Indians, be and they are hereby repealed and made void; any law, usage or custom to the contrary notwithstanding.

CHAP. XXXI. *An act to erect the militia of Morgan district into a separate division.*

Private.

BE *it enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That the militia of the counties composing Morgan district, shall be arranged into two brigades, that is to say, the counties of Burke, Wilkes and Buncombe, shall compose the ninth brigade; and the counties of Lincoln and Rutherford, shall compose the tenth brigade: which two brigades shall be stiled the fifth division of the militia of this state; and the said division and brigade shall be officered in the same manner, and subject to the same rules and regulations as are or shall be prescribed for the general discipline of the militia.

CHAP. XXXII. *An act to establish two places in Halifax county for the purpose of holding general musters.*

Private.

1793, 1, 81.

WHEREAS by an act of the General Assembly held at Fayetteville, in the year one thousand seven hundred and ninety-three, the county of Halifax is entitled to two regiments, and the great extent of said county makes it inconvenient for the good citizens thereof to attend at one place for the purpose of mustering:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, that the companies in Halifax county forming the upper regiment, shall hold their regimental musters at or convenient to a spring on the road from Halifax town to Warrenton, at the plantation where Gideon Harris, deceased, resided; and the companies in said county, forming the lower regiment, shall hold their regimental musters at the cross road near Henry Dawson's new house.

II. *And be it further enacted by the authority aforesaid,* That the Colonel or commanding officer in each of the aforesaid regiments, is hereby directed and required to have the inhabitants of said county warned to attend accoutred as usual at the two aforesaid places respectively.

III. *And be it further enacted by the authority aforesaid,* That the place for holding courts-martial for the aforesaid regiments, shall be at the house formerly Gideon Harris's, deceased, for the upper regiment, and at the aforesaid new house of Henry Dawson, for the lower regiment, and delinquents shall appear for trial. *Provided always,* that when a review shall be ordered of the said militia, they shall meet at the town of Halifax for that purpose as heretofore: *And provided also,* That such review shall not take place more than once in two years.

CHAP. XXXIII. *An Act to prevent Gaming-Tables in the neighborhood of the university of North-Carolina.*

Private.

WHEREAS there is reason to believe that billiard-tables, or some other tables or devices for the purpose of playing at games of hazard, near the university of this state, would greatly tend to create idleness and dissipation among the students:

I. *Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enact-*

2, 1794. ed by the authority of the ſame, That no perſon ſhall ſet up or ſhall keep up any billiard-table, or any other table or device for playing at any game of hazard, within five miles of the ſaid univerſity; and to any perſon or perſons ſhall ſet up any ſuch gaming-table, or having ſet up the ſame ſhall continue it after the firſt day of May next, he or they ſo offending ſhall forfeit and pay the ſum of fifty pounds, to be recovered in any court having cognizance of the ſame, one half for the uſe of the informer and the other half for the benefit of the ſtate.

CHAP. XXXIV. *An Act to explain an act to amend an act, entitled, "An act to keep open Roanoke river for the paſſage of fiſh up the ſame, and other purpoſes therein mentioned," and to repeal part of ſaid act.*

Private.
1787, 40, 210.*

WHEREAS doubts have ariſen how the ſaid act extended, and ſome perſons have proceeded to take up the ſtill water below the falls to the great injury of many of the neighboring inhabitants:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid act was not extended, and ſhall not be conſtrued to prevent any perſon or perſons from fiſhing with nets or hooks in the deep water either above or below the falls.

II. *And be it further enacted,* That the third ſection of the ſaid act is hereby repealed and made void.

CHAP. XXXV. *An Act to empower the county court of Surry to lay a further tax, if they deem it neceſſary, to reimburſe the Commiſſioners with the money by them expended in erecting the public buildings in ſaid county; and to appoint other Commiſſioners in addition to thoſe heretofore appointed, to diſpoſe of the lots in the town of Rockford in the county of Surry.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the county court of Surry, conſiſting of two-thirds of the Juſtices of ſaid county being preſent, are hereby authoriſed and empowered, whenever they deem it neceſſary, to lay a tax in ſaid county not exceeding one ſhilling on each poll, one ſhilling on every hundred pounds value of town-lots and their improvements, and one ſhilling on every three hundred acres of land, for the purpoſe of reimburſing the Commiſſioners for carrying on the public buildings of ſaid county: Which tax, when laid, ſhall by the Sheriff of ſaid county be collected in his firſt collection of public taxes that may happen thereafter, under the ſame rules, regulations and reſtrictions as all other taxes of the like nature in this ſtate are collected, and by him paid accordingly into the hands of ſaid Commiſſioners for the purpoſes aforeſaid. *Provided,* That if the ſaid tax, when laid and collected, ſhall be more than ſufficient to ſatisfy the ſaid Commiſſioners of all thoſe monies by them expended, upon a fair ſettlement made with the ſaid court, the overplus thereof ſhall, by the ſaid Commiſſioners, be paid into the hands of the Truſtees for the uſe of diſcharging the contingencies of ſaid county.

II. *And be it further enacted,* That Joſeph Williams, Joſhua Freeman, Thomas Burch and William Meredith, Eſquires, be and they are hereby appointed Commiſſioners, in addition to thoſe appointed by an act of Aſſembly paſſed at Fayetteville, in the year one thouſand ſeven hundred and ninety, for
1790, 58, 245.* the purpoſe of ſelling and diſpoſing of the lots in the town of Rockford in the ſaid county of Surry; who ſhall have and poſſeſs all the powers and authorities with thoſe appointed by the before recited act, in as full and ample a manner as if they had been named therein; who are further required by this act to carry the purpoſes therein ſpecified into full effect.

CHAP. XXXVI. *An Act to authoriſe Robert Weſt, adminiſtrator of George Lockhart, deceaſed, late Sheriff of the county of Bertie, to collect the public, county and pariſh taxes for the year one thouſand ſeven hundred and eighty-nine, from ſuch of the inhabitants of the ſaid county as have not already paid the ſame.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that many of the inhabitants of Bertie county, have not yet paid the above mentioned taxes, and that the ſaid George Lockhart and his repreſentatives have already accounted for the ſame; and it is now doubtful whether thoſe taxes

can at this time be collected without the assistance of the Legislature : 2, 1794.

I. *Be it enacted the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the said Robert West is hereby authorised and empowered to collect the public county and parish taxes for the year one thousand seven hundred and eighty-nine, from all such of the inhabitants of Bertie county as were liable to pay those taxes, and have not paid nor accounted for the same to the said George Lockhart in his life time his deputies or collectors ; nor to James Lockhart deceased, who was executor to the said George ; nor to Robert West aforesaid as administrator to the said George.

II. *And be it further enacted,* That the said Robert West is also authorised and empowered to use the same means to compel a payment of such of the aforesaid taxes as are yet in arrear, which the said George Lockhart in his life-time, and during the continuance of his office as Sheriff could or might have used.

III. *And be it further enacted,* That when said West shall demand such taxes, it shall and may be lawful for the person or persons of whom the same is demanded to prove by his or their own oath or other testimony, that the same has been paid to some person legally authorised to receive the same.

CHAP. XXXVII. *An act to alter the time of holding the county court of Glasgow.*

WHEREAS the time of holding the county court of Glasgow is found to be inconvenient to persons who may have business in the superior court of Newbern district, and the county court of Craven : Private.

I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the first day of May next, the county court of pleas and quarter sessions for the said county of Glasgow, shall be held annually at the court-house in Snowhill in the said county, on the third Mondays in January, April, July and October, and that all matters and things depending in the said court be adjourned thereto.

II. *And be it further enacted,* That all acts and parts of acts that come within the meaning and purview of this act, are hereby repealed and made void.

CHAP. XXXVIII. *An act to empower the county court of Cabarrus to lay a further county tax.*

WHEREAS the county tax hitherto laid has been found to be inadequate to the purposes intended thereby : Private.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the county court of Cabarrus shall have power and are hereby required to lay a tax not exceeding one shilling on every poll, and four-pence on every hundred acres of land, in addition to the county tax now laid, to be collected and accounted for by the Sheriff, in the same manner, and under the same rules, regulations and restrictions as all other taxes are subject to, and to be applied to discharge the necessary contingencies of the county.

CHAP. XXXIX. *An Act to repeal the third and fourth sections of an act, entitled, "An act for opening and clearing the Yadkin and Peedee rivers."* 1793, 38, 98.

WHEREAS the before recited act has been disagreeable, and may prove injurious to many citizens of this state : Private.

I. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the third and fourth sections of the before recited act be and the same are hereby repealed and made void.

2, 1794. CHAP. XL. *An Act to enable William May, ſen. late Sheriff of Anſon county; and Lewis Dicken, executor of the laſt will of Benjamin Dicken, late Sheriff of Edgcomb county, deceaſed, to collect the arrearages of taxes due to ſaid Sheriff.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That William May, ſen. late Sheriff of Anſon county, ſhall be and is hereby veſted with full power and authority to collect the arrears of taxes due to him as Sheriff, for the years one thouſand ſeven hundred and eighty-nine, one thouſand ſeven hundred and ninety, and one thouſand ſeven hundred and ninety-one, in as full and ample manner as he poſſeſſed the ſame when Sheriff of ſaid county. *Provided*, That this act ſhall ceaſe to be in force from and after the firſt day of January next.

II. *And be it further enacted by the authority aforeſaid*, That Lewis Dicken, executor of the laſt will and teſtament of Benjamin Dicken, late Sheriff of Edgcomb county, deceaſed, be and he is hereby authoriſed and empowered, in as full and ample a manner as his teſtator was empowered while Sheriff, to collect the arrears of taxes due in ſaid county of Edgcomb, for the years one thouſand ſeven hundred and ninety-two, and one thouſand ſeven hundred and ninety-three. *Provided*, That this act ſhall ceaſe to be in force after the firſt day of January next.

1768, 12, 56.* CHAP. XLI. *An Act to amend the act for eſtabliſhing the town of Winton in Hertford county.*

Private.

WHEREAS many perſons who ſubſcribed for and drew lots in the town of Winton, have failed to pay and obtain conveyances for the ſame, which tends to retard the improvement of the ſaid town, and to the injury of the original proprietor: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That all lots ſubſcribed for in the ſaid town, and drawn by any perſon who hath heretofore failed to pay and obtain conveyances for the ſame agreeable to the directions of the ſaid act, ſhall be ſold at public auction to the higheſt bidder by the Commiſſioners of the ſaid town, within twelve months after the ſame ſhall have been advertiſed in the Halifax paper for ſix weeks ſucceſſively, unleſs on or before the day ſet apart in the ſaid advertiſement for the ſaid ſale, the original ſubſcriber for any of the ſaid lots, or any perſon or perſons legally claiming under him or her, ſhall pay to the ſaid Commiſſioners, or one of them, the ſum which he or ſhe was bound to pay by the ſaid act, or ſhall make it appear by oath or otherwiſe, that the ſame hath been paid for, and apply to the ſaid Commiſſioners for a proper deed of conveyance; and the money ariſing from ſuch ſales after the legal demand of the ſaid original proprietor is ſatisfied as by the ſaid act is directed, ſhall be applied by the ſaid Commiſſioners for the benefit and towards the improvement of the ſaid town, as a majority of them ſhall judge moſt adviſeable.

1793, 64, 115. CHAP. XLII. *An Act to repeal an act, paſſed at the laſt ſeſſion of the General Aſſembly held at Fayetteville, entitled, "An act to divide the militia of Orange county into two ſeparate regiments," and to empower the officers of the militia of ſaid county to divide the militia thereof into two ſeparate regiments; and to divide the militia of Lincoln county into two regiments.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the before recited act ſhall be and the ſame is hereby repealed and made void.

III. *And be it further enacted*, That the officers of the militia in the ſaid county ſhall have full power to divide the militia of ſaid county, into two ſeparate regiments, obſerving the directions of the act of Congreſs, entitled, "An act more effectually to provide for the national defence, by eſtabliſhing an uniform militia throughout the United States;" and they ſhall alſo have power to appoint their ſeveral places for holding their regimental and battalion muſters and courts-martial, and the commiſſioned officers of each regiment under the ſaid diviſion ſhall reſpectively retain their ſeveral commands in as full and ample a manner as heretofore.

III. *And be it further enacted*, That the companies of William Henry, William Dickſon, John Jenkins, Peter Torney and Edmond Waggoner, ſhall form the firſt regiment of militia in the county o

Lincoln, and the companies of David Dickſon William M'Cauſlin, John Patton, David Shewford, Michael Cline, John Jones and Ephraim Perkins, ſhall form the ſecond regiment of militia in ſaid county; and the ſaid regiments ſhall hold their general muſters and courts-martial at the court-houſe of ſaid county, at the reſpective times, and under the ſame rules and regulations as heretofore preſcribed by law. 2, 1794.

CHAP. XLIII. *An Act for eſtabliſhing a town on the land of Matthew Brooks, in the county of Stokes.*

Private.

WHEREAS the eſtabliſhment of a town on the land of Matthew Brooks in the county of Stokes would be of utility to the community at large, in the encouragement of manufactories in that neighborhood:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, that one hundred acres of land, the preſent property of the ſaid Matthew Brooks, or ſo much more as he may think proper to appropriate, be eſtabliſhed and laid off into a town by the name of Vienna.

II. *Be it further enacted*, That William Winburn, Martin Holder and George Houſer be, and they are hereby appointed Commiſſioners and Truſtees for carrying on and regulating the ſaid town; And when the ſaid Matthew Brooks ſhall execute a deed in fee-ſimple to the ſaid Commiſſioners, they or a majority of them (which upon all occaſions whatever are hereby conſtituted a quorum to carry the purpoſes of this act into effect) ſhall have full power and authority to ſell and diſpoſe of the lots in the ſaid town; make and execute deeds in fee-ſimple to the reſpective purchaſer or purchaſers of the ſame: And alſo the ſaid Commiſſioners or a majority of them as aforeſaid, ſhall have full power and authority, and they are hereby required to meet as often as they think proper to make ſuch rules and regulations as they may judge neceſſary for the good government thereof.

III. *And be it further enacted*, That in caſe of death, refuſal to act, or removal of any of the ſaid Commiſſioners, the majority of thoſe remaining are hereby authoriſed and empowered to appoint another, or others in his or their ſtead, ſo failing to comply with their reſpective duties; which Commiſſioner or Commiſſioners when ſo appointed, ſhall have all the powers and authorities as if they had been named in this act: And all ſuch rules and regulations as may be properly enacted by the ſaid Commiſſioners for the government of the ſaid town, and regulation thereof, ſhall be binding to all intents and purpoſes upon the inhabitants thereof, as if the ſame had been paſſed by the Legiſlature of this ſtate, any thing to the contrary notwithſtanding.

CHAP. XLIV. *An Act to explain and amend an act, entitled, "An act to appoint Commiſſioners for diſpoſing of part of the ground appropriated for the uſe of the public buildings in the county of Perſon;" and for appointing three jurors to the ſuperior court of Hillsborough.* 1793, 66, 116.

Private.

WHEREAS John Gwin, one of the Commiſſioners heretofore appointed (through ſome miſtake) was called John Given, and under which name he did not think himſelf authoriſed to act, and the appointing two more Commiſſioners to be added to thoſe already appointed, will give more ſatisfaction to the ſaid county:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſaid John Gwin, together with James Fuller and Samuel M'Murray, be and they are hereby authoriſed and empowered to act with thoſe Commiſſioners already appointed, together with a majority of the whole included, ſhall from henceforth have the ſame powers and authorities in all things concerning the matters contained in the before recited act, as if they had therein been expreſsly nominated and appointed.

And whereas the county of Caſwell before the diviſion thereof, appointed but ſeven jurors to attend the ſuperior court, and through ſome miſtake at the diviſion, the two counties have appointed eight; and as it is notorious that the county of Caſwell contains the largeſt number of inhabitants:

II. *Be it therefore enacted by the authority aforeſaid*, That after the paſſing of this act, it ſhall be lawful for the county of Perſon to appoint three jurors to attend the ſuperior court of Hillſborough, and no more, any law heretofore to the contrary notwithſtanding.

2, 1794. CHAP. XLV. *An Act to amend an act, entitled, "An act altering the line between the counties of Lincoln and Burke and appointing Commiſſioners to fix on a convenient place in the ſaid county of Lincoln, to erect the public buildings of the ſaid county," paſſed at Hillsborough, in April, one thouſand ſeven hundred and eighty-four.*

1,'84, 78, 512.

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Wallace Alexander, Joſeph Morriſs and David Zimmerman, be and they are hereby appointed Commiſſioners of ſaid town, in addition to thoſe heretofore appointed, who ſhall have the ſame powers and authorities with thoſe nominated in the before recited act. And the ſaid Commiſſioners, or a majority of them, ſhall have power and authority to lay out the ground adjoining ſaid town into lots, each to contain ſuch number of acres as they may deem neceſſary; and the lot or lots ſo laid out ſhall be numbered and particularly deſcribed by them in an advertiſement to be ſet up at the court-houſe in ſaid town, at leaſt thirty days, when they ſhall proceed to ſell the ſaid lots at public vendue to the higheſt bidder; who ſhall have a credit of twelve months for the payment, upon giving bond with approved ſecurity to the Commiſſioners aforeſaid; to whom the ſame ſhall be paid, and by them applied to the uſe of repairing the court-houſe, priſon and ſtocks in ſaid town.

And whereas the before recited act required the ſeveral deeds of conveyance made to the purchaſer or purchaſers of lots in ſaid town, to be executed by a majority of ſaid Commiſſioners, but the patent for ſaid land being in the name of one of the Commiſſioners alone, the ſeveral deeds for ſaid lots were ſolely executed by him: For remedy whereof,

II. *Be it further enacted,* That the ſeveral deeds of conveyance for the lots contained in ſaid town, as already ſigned and ſealed by one of the Commiſſioners, ſhall be deemed and held valid in law to convey to the perſon or perſons to whom the ſame are granted, an abſolute eſtate in fee-ſimple, in as full and ample a manner as they could or would have done, had they been executed and ſigned by a majority of ſaid Commiſſioners; any law, uſage or cuſtom to the contrary notwithſtanding.

1787, 53, 215.* CHAP. XLVI. *An Act to repeal part of an act paſſed at Tarborough, in the year one thouſand ſeven hundred and eighty-ſeven, entitled, "an Act granting to the inhabitants living on the ſouth ſide of Mecklenburgh county, a privilege of holding a ſeparate election for Members of the General Aſſembly."*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That ſo much of the before recited act as grants to the inhabitants on the ſouth ſide of Mecklenburg county a privilege of holding a ſeparate election for members of the Aſſembly in ſaid county, ſhall be and the ſame is hereby repealed and made void: And that all the freemen in ſaid county ſhall after the paſſing of this act, give the ſuffrages at the court-houſe only, any thing in the before recited act notwithſtanding.

CHAP. XLVII. *An Act for the better regulation of the town of Lumberton, and to authoriſe the Commiſſioners already by law appointed to ſell ſuch lots as may not be claimed within a limited time.*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, the inhabitants of the ſaid town of Lumberton, are required to meet at the court-houſe in ſaid town, on the firſt Tueſday in March in every year, then and there to chooſe five Directors by ballot, under the inſpection of two perſons to be choſen for that purpoſe by the freeholders of the ſaid town: and all the inhabitants and lotholders therein though not inhabitants, who are entitled to vote for members of the General Aſſembly, ſhall be entitled to vote at the election for Directors aforeſaid.

II. *And be it further enacted by the authority aforeſaid,* That the ſaid Directors when choſen, or their ſucceſſors, or a majority of them, ſhall have full power and authority to make rules and regulations, for the opening, clearing and extending the ſtreets; and ſhall have power to remove all obſtructions, encroachments or nuiſance: And ſuch Directors and their ſucceſſors, or a majority of them, ſhall have full power and authority to ſue for and recover all penalties which ſhall be recoverable for the uſe of the ſaid town; and no ſuit for ſuch penalty ſhall abate by reaſon of the death or removal of the ſaid Directors, or either of them, but may be proſecuted to final judgment and exe-

cution by their ſucceſſors: And the ſaid Directors ſhall appoint a Treaſurer for the town, on the day ſucceeding their own election; who ſhall give bond with ſufficient ſecurity for the faithful diſcharge of his office, and for ſettling and paying any balance that may remain in his hands to the Treaſurer that may be appointed for the next ſucceeding year. 2, 1794.

III. *And be it further enacted*, That the ſaid Directors, or a majority of them, and their ſucceſſors, ſhall have power to lay a tax annually, of one ſhilling on every hundred pounds value of lots in the ſaid town, for the purpoſe of building a market-houſe, clearing the ſtreets, and removing of nuiſances, to be collected by ſuch perſon as they ſhall appoint Collector of taxes for ſaid town, who is hereby empowered to diſtrain for the ſame in caſe of non payment.

IV. *And be it further enacted*, That the Directors aforeſaid ſhall have full power and authority to adopt ſuch rules and regulations as they may think proper and neceſſary for reſtraining vice and immorality, and to inflict ſuch fines and penalties as they may judge expedient for the ſuppreſſion of tippling houſes erected by diſorderly perſons contrary to law; which fines and forfeitures ſhall be recovered in the name of the Directors, in a ſummary way, before any Juſtice of the Peace, for the uſe of the town; and ſhall be applied by the Directors, or a majority of them, for public purpoſes in the improvement of ſaid town in ſuch manner as they may think moſt adviſeable.

And whereas there are a number of lots in the ſaid town of Lumberton that have not been claimed ſince the ſaid lottery was drawn, for which no public taxes have been paid, whereby the ſtate is defrauded in its revenue, and the improvement of the town aforeſaid is thereby injured:

V. *Be it enacted by the authority aforeſaid*, That the Commiſſioners of ſaid town of Lumberton that have been or hereafter may be appointed to make conveyance to claimants of lots in ſaid town, ſhall adverti ſe in the moſt public gazette in this ſtate, all ſuch lots as have not been claimed ſince the lottery was drawn for ſaid town; which advertiſement ſhall be continued three months, requiring all holders of lottery tickets or claimants of lots, to made application for conveyances.

VI. *And be it further enacted*, That all lots in the aforeſaid town of Lumberton for which no taxes ſhall be paid, no deed by the Commiſſioners given, nor no claim made within two years from the paſſing of this act, ſhall be publicly ſold by the Sheriff of the county of Robeſon, under the direction of the Commiſſioners aforeſaid; who are hereby authoriſed to make conveyances to ſuch perſon or perſons as may become purchaſers of any of the ſaid unclaimed and unappropriated lots as aforeſaid.

VII. *And be it further enacted*, That all monies that may be collected by the ſales of lots unclaimed as aforeſaid, as well as all monies remaining in the hands of the Directors of the ſaid town, and not appropriated to the improvement thereof at the end of every enſuing year from the firſt day of March next, ſhall be paid to the Truſtees of the Lumberton academy, to be by them appropriated to the uſe and purpoſe of building a houſe for the reception of ſtudents, and advancement of the ſaid ſeminary of learning.

CHAP. XLVIII. *An Act to repeal an act, entitled, "An act for the more ſpeedy determining diſputes that have ariſen or may hereafter ariſe in the counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, reſpecting erecting mill-dams, and to prevent perſons from building mills as herein deſcribed."* 1785, 21, 154.*

Private.

WHEREAS the before recited act has upon experience been found to have an injurious effect in many inſtances, and the neceſſity which gave exiſtence thereto no longer remaining, it now becomes proper to repeal the ſame:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the before recited act, paſſed at Newbern, in the year one thouſand ſeven hundred and eighty-five, be and the ſame is hereby repealed and made void.

CHAP. XLIX. *An Act for levying a tax on the inhabitants of the county of Martin, for the purpoſe of building a houſe in ſaid county for the reception and employment of the poor thereof.*

WHEREAS it is repreſented to this General Aſſembly that the inhabitants of ſaid county are earneſtly deſirous of having proper buildings therein for the reception and uſeful employment of Private.

2, 1794. the poor thereof:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid court of Martin, be and is hereby authoriſed and empowered to lay a tax on the inhabitants thereof, for the years one thouſand ſeven hundred and ninety-five, and ninety ſix, not exceeding one ſhilling on each poll, four pence on every hundred acres of land, and four pence on every hundred pounds value of town lots, with their improvements, within ſaid county; which tax ſhall be collected by the Sheriff of ſaid county, and accounted for in manner as by this act directed: And the ſaid Sheriff is hereby inveſted with the ſame power to compel a payment of the tax laid by virtue of this act, as by law he has to compel the payment of the public tax of ſaid county, and ſhall be allowed the ſame commiſſions for the collection thereof, that he is allowed on other public taxes.

II. *And be it further enacted*, That Thomas Hunter, William M'Kinzie and Henry Slade, be and are hereby appointed Commiſſioners to direct and ſuperintend the building of ſuch houſe in ſaid county of Martin; and the ſaid Commiſſioners are hereby empowered to receive and appropriate to the building of ſuch houſe, the monies raiſed by this act; and it is hereby declared to be their duty to publiſh from time to time, and at every county court, at the door of the court-houſe of ſaid county, an account and ſtatement of the ſums by them received and diſburſed; and finally to ſettle with, and have their accounts audited by auditors to be appointed by the ſaid county court, and ſhall pay over the balance remaining in their hands (if there be any ſuch balance) to the wardens of the poor of ſaid county, to be by them applied for the benefit of the poor; and the ſaid Commiſſioners ſhall be entitled to ſuch reaſonable allowances for their ſervices in this behalf, as the ſaid county court ſhall think proper to make.

III. *And be it further enacted*, That the Commiſſioners by this act appointed, ſhall have power and are hereby required to fix upon a proper place for the erection of ſuch building, and either to buy, or receive by donation ſuch lands as may be convenient for the ſame; and to take a deed therefor from the former proprietor or owner to the wardens of the poor of the ſaid county, to and for the uſe of the poor thereof; which deed ſhall be recorded with the regiſter of ſaid county, and lodged with the Clerk of the court thereof. And the ſaid Commiſſioners are hereby further authoriſed to uſe their own diſcretion with regard to the ſize and dimenſions of ſaid houſe, and the manner of erecting the ſame.

IV. *And be it further enacted*, That the ſaid houſe when completed ſhall be under the care and management of the wardens of the poor of ſaid county, to admit therein ſuch perſons as they may deem proper objects of public charity, to provide ſuitable proviſions and apparel for them; and to make ſuch rules and regulations and preſcriptions, as they ſhall deem moſt expedient for the uſeful governing and employing the poor thereof, to the advantage of ſaid county.

And whereas it is repreſented to this General Aſſembly, that a number of perſons in the county of Martin, have ſubſcribed conſiderable ſums for the benevolent purpoſe of erecting ſuch building:

V. *Be it alſo enacted by the authority aforeſaid*, That the Commiſſioners are empowered to receive ſuch ſubſcriptions; and alſo are empowered by the name of the Commiſſioners for the poor-houſe of the county of Martin, to ſue for and recover the ſum or ſums that are or may be ſubſcribed by any perſon or perſons whatever: And the Commiſſioners ſhall appropriate ſuch ſum or ſums of money in the ſame manner as herein before directed for the tax hereby laid, and ſhall account for and pay over the balance that may remain in their hands in the ſame manner.

CHAP. L. *An Act to amend the ſeveral acts paſſed for the collection and appropriation of monies for the ſupport of ſick ſeamen as regards the town of Wilmington.*

Private.

WHEREAS the laws heretofore made for the relief of ſick ſeamen in the ſeveral ports of this ſtate, have been found on experience inadequate to that purpoſe in the town and port of Wilmington:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Wardens of the poor for the pariſh of St. James, in the county of New-Hanover, ſhall be and are hereby authoriſed and empowered to call upon the Collector or Naval Officer of the port of Wilmington, to account with and pay to them all ſuch ſums of money which he may or ought to have received in purſuance of the laws now in force for the purpoſes aforeſaid, and which have not yet been appropriated agreeable to ſaid laws: And if the Naval-Officer or Collector

ſhall refuſe to account with ſaid Wardens as aforeſaid, they are hereby authoriſed and empowered to ſtate an account with him the ſaid Naval-Officer or Collector from the beſt evidence they can collect, of what ſums have or ought to have been received in purſuance of the ſaid laws and remain unappropriated; which ſaid ſtatement ſhall be taken as admitted by ſaid Naval-Officer or Collector in any ſuit inſtituted for the recovery of any balance due thereon, unleſs the ſaid Naval-Officer or Collector ſhall render a juſt and true account of what monies have actually been or ought to have been received by him, and not appropriated in purſuance of the laws before mentioned. 2, 1794.

II. *And be it further enacted by the authority aforeſaid*, That the Wardens of the poor for the pariſh aforeſaid, ſhall be and are hereby authoriſed and empowered to recover by an action on the caſe, in any court of record in the county of New-Hanover, any ſum or ſums of money due by the Collector or Naval-Officer of the port aforeſaid to the Commiſſioners of the town of Wilmington, for the receipt of hoſpital money. *Provided nevertheleſs*, That they ſhall give ten days notice to the Naval-Officer or Collector previous to their inſtituting any ſuit; which ſaid notice ſhall be accompanied with an account of the ſaid Wardens ſtating the balance they mean to charge the ſaid Naval-officer or Collector in any ſuit they mean to bring againſt him.

III. *And be it further enacted by the authority aforeſaid*, That ſo much of the act paſſed in the year one thouſand ſeven hundred and ninety, as authoriſes the Commiſſioners of the ſeveral towns of the ſtate to levy and collect the tax for the ſupport of ſick ſeamen in the ports thereof, be and the ſame is hereby repealed and made void ſo far as regards the town of Wilmington. 1790, 22, 704.

CHAP. LI. *An Act to apportion the number of Jurors to be ſent from the counties of Mecklenberg and Cabarrus, to Salisbury Superior Court; and include the county of Cabarrus in the diſtrict compoſed of the counties of Rowan, Mecklenberg and Montgomery, for the purpoſe of chooſing an Elector to vote for a Preſident and Vice-Preſident of the United States.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the county of Mecklenburg ſhall appoint four, and the county of Cabarrus three jurors to attend the ſuperior court of Saliſbury, in the ſame manner, and at the ſame time, as jurors have been heretofore appointed for ſaid purpoſe in each of the ſaid courts reſpectively. Private.

II. *And be it further enacted by the authority aforeſaid*, That hereafter the counties of Rowan, Mecklenberg, Montgomery and Cabarrus, ſhall compoſe one diſtrict to chooſe an elector to vote for a Preſident and Vice-Preſident of the United States; and the Sheriff of the ſaid county of Cabarrus is hereby authoriſed and required to open and hold an election for the purpoſe aforeſaid, agreeable to an act of Aſſembly, paſſed in the year one thouſand ſeven hundred and ninety-two, entitled, "An act relative to the appointment of electors to vote for a Preſident and Vice-Preſident of the United States. 1792, 16, 48.

CHAP. LII. *An Act to repeal an act, paſſed at Newbern, in the year one thouſand ſeven hundred and ninety-one, entitled "an Act to improve the navigation of the Northweſt Branch of Cape-Fear River.* 1791, 68, 32.

WHEREAS the tax on all produce ſent down the ſaid river is found to be a grievance on the inhabitants of Cumberland county, and a tax on their induſtry: For remedy whereof, Private.

I *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the before recited act be and the ſame is hereby repealed and made void.

CHAP. LIII. *An act to extend an act for ſecuring and preſerving the titles of the freeholders in the counties of Perquimans, Beaufort and New-Hanover, to thoſe of the counties of Hyde and Onſlow.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, that the act of Aſſembly paſſed at Fayetteville, in the year one thouſand ſeven hundred and ninety-three, for ſecuring and preſerving the titles of the freeholders in the counties of Perquimans, Beaufort and New-Hanover, ſhall alſo extend and apply to the freeholders of the counties of Hyde and Onſlow, in as full and ample a Private. 1793, 48, 108.

, 1794.

manner as if the ſaid counties of Hyde and Onſlow had been therein inſerted, any thing to the contrary notwithſtanding.

CHAP. LIV. *An Act to empower the Wardens of the Poor in the county of Cabarrus, to receive a proportionable part of the poor tax from the county of Mecklenberg.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Wardens of the poor for the county of Cabarrus, by themſelves, or their lawful attorney, or agent, be and they or either of them, are hereby authoriſed and required to demand and receive from the Truſtee or Sheriff of the county of Mecklenberg, ſuch part or portion of the poor tax as became due, or was in the hands of the Truſtee or Sheriff, or liable to be collected at the time of the diviſion, to any perſon or perſons reſiding in that part of the county now called Cabarrus.

CHAP. LV. *An Act for rebuilding the gaol, and erecting a pillory and ſtocks in the county of Stokes, and to levy a tax to diſcharge the expence thereof.*

Private.

I. BE *it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, that a ſum of ſix pence be collected on every poll, and a ſum of two pence on every hundred acres of land in ſaid county by the Sheriff thereof, for the purpoſe of rebuilding the gaol in ſaid county, and building a pillory and ſtocks for the uſe of the ſaid county; which ſaid ſum ſhall be collected and paid into the hands of the county Truſtees, for the purpoſe aforeſaid, under the ſame rules, regulations and reſtrictions as other county taxes are accounted for, and by the ſaid Truſtees paid to the workmen building the ſame, at the direction and option of the Commiſſioners to ſuperintend the ſaid work.

II. *And be it further enacted*, That Peter Hairiton, Abraham Steiner and John Martin, Eſquires, be and they are hereby appointed Commiſſioners, and they, or any two of them, are hereby empowered to employ workmen to accompliſh the ſaid work, and to ſuperintend the ſame.

CHAP. LVI. *An act to keep open Little-River and Uharee in Montgomery and Randolph counties for the paſſage of fiſh up the ſame.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that the keeping open the aforeſaid rivers will be highly advantageous to the inhabitants of ſaid counties:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That every perſon or perſons who hath built or erected any mill-dam, or who may hereafter build or cauſe to be built any dam or dams, on or acroſs the ſaid rivers, from the mouth of Little-River as far as Randolph line, and from the mouth of Uharee as far up the ſame as the Old Trading Road leading from Salisbury to Fayetteville, or who may in any manner obſtruct a free paſſage up ſaid rivers, ſhall from the twentieth day of February until the tenth day of April in each and every year, open or cauſe to be opened, a paſſage of twelve feet wide to the mud ſide of every dam, in the middle thereof; and cauſe the ſame to be kept ſo opened, for the time aforeſaid, under the penalty of forfeiting the ſum of one hundred pounds, to be recovered by him or them that will ſue for the ſame, the one half to the uſe of the county, and the other to him or them who may ſue for the ſame.

CHAP. LVII. *An Act for the better regulation of the town of Germanton in Stokes county, and to enlarge the ſame.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the inhabitants of the town of Germanton in Stokes county, be empowered to aſſemble themſelves on Eaſter Monday next, in order to elect three Town Commiſſioners, perſons who muſt be poſſeſſed of a freehold in ſaid town; and when elected they are hereby empow-

ered to make all ſuch rules and regulations for the good government of the inhabitants thereof as they ſhall deem neceſſary. Which rules and regulations when made, ſhall be binding, to all intents and purpoſes, on the inhabitants thereof, as if they were ſpecified in this act. *Provided nevertheleſs*, That no ſuch rules and regulations ſhall be repugnant either to the conſtitution or laws of this ſtate. 2, 1794.

And whereas the population of the ſaid town, renders the extenſion thereof neceſſary :

II. *Be it further enacted by the authority aforeſaid*, That the ſaid town of Germanton ſhall be extended in the following manner : Firſt, to include all thoſe lots either laid off or improved, from the ford on Buffaloe creek to the forks of the road leading to Bethany and Bethabera on the main ſtreet ; alſo all thoſe fro n the bridge on Buffaloe and ford on the town ford fork, to thoſe lots heretofore eſtabliſhed, be henceforth added to the town of Germanton, and ſhall be in all reſpects whatever conſidered as part thereof.

And whereas the preſervation of ſtreets from filthy incumbrances, is neceſſary in all towns :

III. *Be it further enacted*, That the Commiſſioners ſo elected as before deſcribed, ſhall have full power and authority to lay a tax on the ſaid town, either by poll or by the property thereof, or both if neceſſary, as will be thought ſufficient to keep clean the ſtreets thereof, and defray the charges of ſuch other regulations as they may deem neceſſary : Which tax when laid ſhall be binding on all thoſe who live, or have property therein, and ſhall and may by the ſaid Commiſſioners, be collected in ſuch a manner as they may deviſe. And all thoſe who neglect or refuſe to pay the ſame, the ſaid Commiſſioners or their proper Collector may diſtrain for the ſame, in manner as Collectors of the public revenue of this ſtate, any thing to the contrary notwithſtanding.

CHAP. LVIII. *An Act to amend an act, entitled, "An act for eſtabliſhing a town at the narrows of Paſquotank river, in the county of Paſquotank," paſſed at Fayetteville, in the year of our Lord one thouſand ſeven hundred and ninety-three.* 1793, 55, 111.

WHEREAS it is ſignified to this General Aſſembly, that it is the wiſh of the former proprietor, and the Commiſſioners of the ſaid town, that the name thereof ſhould be altered from Reading to Elizabeth : Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſaid town eſtabliſhed at the Narrows of Paſquotank river under the authority of the before mentioned act, ſhall be known and diſtinguiſhed by the name of Elizabeth-town, ſubject nevertheleſs to all the regulations and reſtrictions, and entitled to all the privileges expreſſed in the ſaid act above recited ; any thing in the ſame to the contrary notwithſtanding.

CHAP. LIX. *An act for the regulation of the city of Raleigh.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That John Haywood, Dugal M'Keethan, John Marſhall, John Rogers, John Pain, James Mares and John Craven, be and they are hereby appointed Commiſſioners of the city of Raleigh, and they and their ſucceſſors in office choſen and qualified agreeable to the directions of this act, ſhall be and they are hereby incorporated into a body corporate and politic by the name of the Commiſſioners of the city of Raleigh ; and by that name to have ſucceſſion by the election of the freemen as by this act is directed, and a common ſeal ; and they and their ſucceſſors by the name aforeſaid, ſhall be able and capable in law to have, purchaſe, receive, poſſeſs and retain to them and their ſucceſſors forever in truſt for ſaid city, any lands, rents and tenements of what kind, nature or quality ſoever : And alſo grant, ſell, deviſe, alien and diſpoſe of the ſame, and to receive and take any gift or donation whatever to the ſaid city ; and alſo by the ſame name to ſue and be ſued, plead and be impleaded, anſwer and be anſwered in all courts of record whatever ; and from time to time, at all times hereafter, to make ſuch rules, orders and regulations and ordinances, as to them ſhall ſeem meet for repairing the ſtreets, appointing a Conſtable or Conſtables, city Watches or Patroles, and making proper allowances by fee or otherwiſe for ſuch ſervices ; and for all ſuch other neceſſary ordinances, rules and orders which may tend to the advantage, improvement and good go- Private.

2, 1794. vernment of the ſaid city: And the ſaid rules, ordinances and regulations from time to time to alter, change, amend and diſcontinue as to the ſaid Commiſſioners or a majority of them ſhall appear neceſſary; and ſhall alſo have full and ample power to enforce a compliance and obſervance to ſuch regulations by laying fines and penalties on thoſe who ſhall refuſe or neglect to conform to ſuch rules and regulations not exceeding five pounds: And in caſe of ſlaves, the puniſhment of thirty-nine laſhes, the ſaid penalty to be recovered, and the puniſhment to be inflicted in manner hereafter mentioned: That in caſe of the death, removal or refuſal to qualify of any of the Commiſſioners appointed by this act, a Commiſſioner ſhall be elected by the freemen of ſaid city, in the room of the perſon ſo dead, removed or refuſing to qualify; for which purpoſe it ſhall be the duty of the Intendant of Police, and in his abſence of the remaining Commiſſioners, to notify the Sheriff of the county of Wake of ſuch death or removal, who upon receiving ſuch notice ſhall as ſoon as poſſible, after giving ten days previous notice by public advertiſement, attend by himſelf or deputy at the court-houſe or ſome convenient place in the city of Raleigh, and at ten o'clock of the day ſo appointed by advertiſement, open the poll and receive the tickets in the preſence of two Inſpectors; and when the election ſhall be finiſhed, ſuch officer and Inſpectors ſhall examine and number the ballots, and the perſon having the greateſt number of ballots ſhall be declared duly elected to the office of Commiſſioner: And the ſaid Sheriff of the county of Wake ſhall perform the duties aforeſaid, under the penalty of fifty pounds for every neglect or refuſal, to be recovered by action of debt before any juriſdiction having cognizance thereof, by any perſon who ſhall ſue for the ſame, in one year after ſuch neglect or refuſal, one half to the proſecutor, the other to be paid to the Treaſurer of the city for the uſe of the city. And the Commiſſioners ſo choſen, and thoſe appointed by this act, ſhall before they enter on the execution of their office take the following oath, "I, *A. B.* do ſwear that I will faithfully diſcharge the office of Commiſſioner for "the city of Raleigh agreeable to law, and to the beſt of my knowledge and judgment. So help me God."

And whereas the proper office of the ſaid Commiſſioners is, that of making bye-laws and regulations for the government of the ſaid city, and it has been found inconvenient, and often impracticable, to call together Commiſſioners for the immediate purpoſe of puniſhing offenders, whereby the ſaid regulations are never properly carried into effect: For remedy whereof,

II. *Be it enacted*, That the Commiſſioners of the city of Raleigh, ſhall on or before the firſt Monday in March next, having firſt advertiſed the ſame for five days, meet at the court-houſe in the ſaid city, or ſome other convenient place, and elect a proper perſon to act as Intendant of Police for the ſaid city; whoſe duty it ſhall be to enforce obedience to the laws and puniſh offenders; and ſhall be and is hereby authoriſed to iſſue his warrant directed to the Sheriff, Deputy-Sheriff or City-Conſtable to ſummon the offenders againſt the laws, rules and ordinances made and provided for the regulation of the ſaid city, to appear before him; and on their conviction, which ſhall be in the manner of trials before Juſtices of the Peace, the ſaid Magiſtrate is hereby required and authoriſed to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the ſaid city: Which warrant or execution, the ſaid Sheriff, Deputy-Sheriff or Conſtable is hereby required to execute. And on ſuch trials or enquiries, is hereby authoriſed and declared to poſſeſs all the neceſſary powers to adminiſter oaths and ſubpœnas, and to examine witneſſes; and ſhall take the following oath before he enters on the execution of his office, "I, *A. B.* do ſolemnly ſwear, that as "Intendant of Police for the city of Raleigh, I will do equal right in all caſes whatſoever, to the beſt "of my judgment, and according to the laws, rules and ordinances made for the good government "of the ſaid city; all fines and amerciaments that may happen to be made, I will cauſe to be duly re-"turned to the proper officer; and in all things belonging to my office, during my continuance therein, I "will faithfully, truly and juſtly, according to the beſt of my ſkill and judgment, do equal and im-"partial juſtice to the public and to individuals. So help me God." *Provided*, That in all caſes whatever reſpecting the judgment of the Intendant of Police, in conſequence of the authority delegated to him by this act, any perſon or perſons being diſſatisfied with ſuch judgment, he, ſhe or they ſhall have the liberty of appealing therefrom to the court of pleas and quarter-ſeſſions for the county of Wake.

III. *And be it further enacted*, That no perſon ſhall be deemed qualified to act as Commiſſioner of the city of Raleigh, unleſs he hath a lot of land therein, with a dwelling houſe on the ſame, in his own right in fee, or on leaſe for one year; and that all the freemen who are liable to pay taxes, and have been inhabitants of the ſaid city ſix months next before and at the day of election, ſhall be entitled to

vote for the Commiſſioners of the ſaid city, and no others.

IV. *And be it further enacted*, That the Commiſſioners ſhall appoint one of their body to act as Treaſurer of the city for one year, to receive and account for the city monies; for which a regular entry muſt be made in a book kept for that purpoſe, and upon the appointment of a new Treaſurer, the old one ſhall immediately paſs his account with him and pay any balance there may be in his hands. *Provided*, That before ſuch Treaſurer enters on his office, he ſhall give his bond with approved ſecurity payable to the Commiſſioners for the faithful diſcharge of his duty.

V. *And be it further enacted*, That the Commiſſioners of the ſaid city ſhall chooſe and appoint a proper perſon to be their Clerk of the ſaid city, to act as ſuch during good behaviour; who ſhall be allowed a reaſonable ſalary, and enter into bond to the Commiſſioners of the ſaid city, and their ſucceſſors, with ſufficient ſecurity in the ſum of two hundred pounds, for the due and faithful execution of his office, and the truſt repoſed in him, for the ſafe-keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commiſſioners during his continuance in office. And all perſons ſhall have free acceſs to the journals and papers on paying two ſhillings to the Clerk, under the penalty of twenty ſhillings for every refuſal, to be recovered before a Juſtice of the Peace of the county of Wake, by any perſon who ſhall ſue for the ſame within a month after ſuch refuſal; one half to the proſecutor, the other to be paid to the Treaſurer of the city for the uſe of the city.

VI. *And be it further enacted*, That the Commiſſioners of the ſaid city, or a majority of them ſhall annually levy a tax, not exceeding five ſhillings on every hundred pound's value of taxable property within the ſaid city; and a proportionable poll tax on all perſons who do not poſſeſs in the ſaid city the value of one hundred pound's taxable property: Which tax ſhall be collected by a warrant under the hands and ſeals of the Commiſſioners, directed to ſuch perſon as they appoint for that purpoſe. And the Collector to be appointed as aforeſaid is hereby empowered and directed to collect and make diſtreſs for the ſame, in like manner as Collectors of public taxes; and the monies ariſing therefrom, after deducting five per cent. for commiſſions, ſhall by him be paid into the hands of the City Treaſurer, to be by the Commiſſioners or a majority of them, applied and laid out in clearing and repairing the ſtreets and public paſſages, paying officers for tranſacting the buſineſs of the city, and in ſuch other public work and buſineſs as the Commiſſioners may deem neceſſary.

And the more effectually to aſcertain the taxable property within the ſaid city:

VII. *Be it further enacted*, That every inhabitant thereof ſhall yearly, at the time he ſhall give in his taxable property to be aſſigned for the uſe of the ſtate, diſtinguiſh in the liſt he ſhall return, what part thereof is ſituated within the ſaid city. And if any inhabitant ſhall fail ſo to do, the Commiſſioners ſhall and may order the city tax to be levied to the whole amount of the taxable property of the perſon ſo failing as aforeſaid, although part thereof may not be within the ſaid city; any thing herein contained to the contrary notwithſtanding. And it is hereby declared that every perſon inhabiting or occupying any houſe, or other building or improvement, or lot, within the ſaid city, ſhall be liable to the payment of the tax thereof, unleſs the ſame ſhall have been returned by ſome other inhabitant. *Provided*, That all perſons who have been ſix months reſiding in ſaid city, ſhall be ſubject to pay taxes.

And whereas encroachments may be made on the ſtreets of the ſaid city, by erecting piazzas, porches, platforms, and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may ariſe by fire being communicated acroſs the ſtreets thereby: For remedy whereof,

VIII. *Be it enacted*, That the Commiſſioners are hereby empowered and requeſted to order all ſuch encroachments from which danger may be apprehended, to be removed, under ſuch pains and penalties as they ſhall think neceſſary to impoſe. And where any encroachment ſhall be found on any ſtreet or ſtreets, from which no immediate danger is to be apprehended, the ſaid Commiſſioners ſhall impoſe a ground-rent not exceeding twenty-ſhillings, to be annually paid for every foot on front of each piazza, porch, platform or other encroachment on the ſtreet, adjoining to or being before any one houſe or tenement, to be applied to the public ſtock of the city. And if any perſon ſhall refuſe or neglect to pay ſuch ground-rent, the ſame ſhall be levied by a warrant, under the hands and ſeal of the Commiſſioners, directed to a Conſtable, or other officer to be by them appointed, on the goods and chattels of the defendant.

IX. *And be it further enacted*, That the Intendant of Police, and the Commiſſioners of the city of Raleigh, be and they are hereby authoriſed and required to take ſuch meaſures as may be neceſſary to

2, 1794. preſerve the woods and timber on the public lands in and adjoining the city of Raleigh.

X. *And be it further enacted*, That this act ſhall be and remain in force until the firſt day of January, one thouſand ſeven hundred and ninety-ſeven, and until the end of the ſeſſion of the General Aſſembly then next enſuing, and no longer.

CHAP. LX. *An Act to alter the time of holding courts in the county of Randolph, and for laying a tax in the ſaid county to repair the priſon in ſaid county.*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the county courts of Randolph ſhall be conſtantly held on the third Mondays of May, Auguſt, November and February, in each year hereafter, and all matters and things depending in ſaid court ſhall ſtand adjourned thereto.

II. *Be it further enacted*, That a tax of three pence on every poll, and a tax of one penny on every hundred acres of land in ſaid county, ſhall be collected and applied to the purpoſe of repairing the priſon of ſaid county, under the ſame rules and regulations as other taxes in that caſe made and provided; all acts and parts of acts coming within the meaning and purview of this act are hereby repealed and made void.

CHAP. LXI. *An Act to empower Daniel Gliſſon, late Sheriff of Duplin county, to collect the arrearages of taxes due him in ſaid county, for the years one thouſand ſeven hundred and eighty-nine, one thouſand ſeven hundred and ninety, one thouſand ſeven hundred and ninety-one, and one thouſand ſeven hundred and ninety-two.*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Daniel Gliſſon, late Sheriff of the county of Duplin, ſhall be and is hereby authoriſed and empowered to collect all the arrearages of taxes due him in ſaid county for the years one thouſand ſeven hundred and eighty-nine, one thouſand ſeven hundred and ninety, one thouſand ſeven hundred and ninety-one, and one thouſand ſeven hundred and ninety-two; and the ſaid Daniel Gliſſon is hereby veſted with all and ſingular the powers and authorities for the collection of ſaid arrearages, with which Sheriffs of the ſeveral counties are now veſted by the ſeveral acts of Aſſembly in ſuch caſe made and provided.

CHAP. LXII. *An Act to confirm the rights and privileges of a certain mulatto man called Franck, formerly the property of Thomas Lytle, late of Randolph county, and to confirm on him the name of Franck Lytle.*

Private. WHEREAS the court of the county of Randolph, at their ſeſſion held in the month of November laſt, on the petition of Catharine Lytle, William Bell, John Beard and Samuel Millikin, the executors and legatees of the laſt will and teſtament of the ſaid Thomas Lytle, deceaſed, did order that the ſaid Franck ſhould be at liberty, agreeable to an act of the General Aſſembly in ſuch caſes made and provided, for meritorious ſervices done by him for the ſaid Thomas Lytle in his lifetime: And whereas the ſaid Catharine, William, John and Samuel have petitioned this Aſſembly to paſs an act to entitle the ſaid Franck to be called and known by the name of Franck Lytle:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the ſaid order of the court of Randolph county aforeſaid, liberating the ſaid Franck, be and is hereby ratified and confirmed; and by virtue thereof the ſaid Franck, by and under the name of Franck Lytle, ſhall be and is hereby declared to be free; and ſhall henceforth enjoy the protection of the laws, and the benefit of the conſtitution of this ſtate, in the ſame manner as others of his color who were born free, to every intent and purpoſe. *Provided*, That nothing herein contained, ſhall be conſtrued ſo as to affect the title or claim of any perſon or perſons other than the perſons herein named.

CHAP. LXIII. *An Act to empower the county court of New-Hanover to lay a tax for the purpose of deſtroying the vermin herein mentioned, and for altering one of the places for holding the annual elections in the county of New-Hanover; and to amend an act to encourage the deſtroying wolves, wild-cats, panthers and bears in the county of Carteret, paſſed in one thouſand ſeven hundred and ninety-two.* 2, 1794. 1792, 44, 64.

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the court of pleas and quarter-ſeſſions of ſaid counties, which ſhall reſpectively be held after the laſt day of February, one thouſand ſeven hundred and ninety-five, ſhall proceed to lay a tax not exceeding ſix pence on every poll in ſaid county, and two pence on every hundred acres of land in the ſame county; the amount of which, when collected, ſhall be appropriated for the purpoſes herein after mentioned.

II. *And be it further enacted by the authority aforeſaid,* That any perſon who within the limits of ſaid counties, ſhall kill any wolf or wolves, ſhall be entitled to receive the ſum of four pounds for every grown wolf, and the ſum of twenty ſhilling for every wolf under ſix months old, ſo by any ſuch perſon killed as aforeſaid. *Provided always,* That before any perſon ſhall be entitled to receive any of the allowances herein made, he ſhall produce to ſome Juſtice of the Peace for the counties aforeſaid, the ſcalp or ſcalps of ſuch wolf or wolves ſo by ſuch perſon killed, and ſhall make oath before the ſame Juſtice that the ſcalp or ſcalps ſo produced are the ſcalp or ſcalps of a wolf or wolves by him the ſaid perſon killed within the limits of the county aforeſaid, ſince the firſt day of February, one thouſand ſeven hundred and ninety-five. And every Juſtice of the Peace aforeſaid, before whom ſuch proof is made, is hereby required to deſtroy every ſuch ſcalp or ſcalps.

III. *And be it further enacted by the authority aforeſaid,* That every Juſtice of the Peace before whom ſuch ſcalps are produced, and ſuch proof made, ſhall give to the perſon ſo producing the ſame, a certificate ſetting forth the number of the ſcalps produced and proved as aforeſaid before him by ſuch perſon, and what ſum the perſon receiving ſaid certificate is entitled to receive; ſuch Juſtice granting the ſaid certificate having regard to the age of the wolf ſo killed as aforeſaid, ſo far as he can aſcertain the ſame: which ſum ſo certified, ſhall be paid by the county Treaſurer of ſaid county, who ſhall be allowed the amount of ſaid mentioned certificates in the ſettlement of his accounts with the county court of the ſaid county.

IV. *And be it further enacted,* That any perſon producing any ſcalp or ſcalps of bears, panthers, wolves or wild-cats to the Commiſſioners of Carteret county, ſhall before they are entitled to receive ſuch ſum or ſums of money directed to be paid for killing ſuch vermin, make it appear by affidavit, that the vermin for which they claim a reward for killing, was killed within the limits of the ſaid county of Carteret; and ſince paſſing the act for deſtroying ſuch vermin in ſaid county, at Newbern, in the year one thouſand ſeven hundred and ninety-two. *Provided,* That no tax ſhall be levied on or collected from any poll reſiding within the limits of the town of Wilmington for the purpoſes aforeſaid.

V. *And be it further enacted by the authority aforeſaid,* That from and after the paſſing of this act, the annual elections to be held for the county of New-Hanover, ſhall on the firſt day of every ſuch annual election be held at ſome convenient houſe moſt adjacent to Long-Creek-bridge in ſaid New-Hanover county, inſtead of the houſe of John Larkins, Eſquire, lately deceaſed.

CHAP. LXIV. *An Act to amend an act, entitled, "An act for the regulation of the town of Newbern, and for other purpoſes therein mentioned," paſſed at Halifax, in January, one thouſand ſeven hundred and ſeventy-nine.* 1, '79, 25, 83.*

Private.

WHEREAS it hath been repreſented to this General Aſſembly by ſundry of the inhabitants of the town of Newbern, that by the above recited act for eſtabliſhing the town of Newbern, that part of Front-ſtreet on the ſouth ſide of ſaid town, between Dirty-lane and Eaſt-ſtreet, runs ſo much into the marſh on Lawſon's creek, and the ground being otherwiſe much broken, ſo as to render it very difficult and expenſive to make the ſaid ſtreet ſufficiently good for the paſſage of carts and cattle; and whereas it has been alſo repreſented unto us, that a ſtreet could be opened on the northern part of the front lots on ſaid ſtreet, greatly advantageous to the inhabitants, and with little expence and labor: For remedy whereof,

2, 1794.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the Commiſſioners of the town of Newbern are hereby authoriſed and required as ſoon as may be, to lay off a ſtreet forty feet wide at the northern extremity of the ſaid front lots from number thirty-five on Dirty-lane, to number fifty-four on End-ſtreet, both inclusive; and running parallel to Front-ſtreet as it is now laid down in the plan eſtabliſhed by the aforeſaid act.

II. *And be it further enacted by the authority aforeſaid,* That after the paſſing of this act, that ſuch parts of what is now called Front-ſtreet, which lies immediately between the ſaid front lots and their reſpective fronts, ſhall be deemed and held to be part of the ſaid lots, and is hereby veſted in the reſpective proprietors of the aforeſaid lots, their heirs and aſſigns forever, as a compenſation for that part of their lots taken away for the new ſtreet.

CHAP. LXV. *An Act to repeal part of an act paſſed at Fayetteville, in one thouſand ſeven hundred and ninety-three, entitled, "An act for laying out a town on the lands of Thomas Matthews, in the county of Moore;" and alſo to alter the time of holding the courts of Pleas and Quarter-Seſſions in the county of New-Hanover.*

1793, 57, 112.

Private.

WHEREAS John Cameron, Duncan Patterſon and Samuel Dunn have given in their reſignation as Commiſſioners for laying out the aforeſaid town:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That ſo much of the before recited act as appoints the ſaid John Cameron, Duncan Patterſon and Samuel Dunn Commiſſioners, be and the ſame is hereby repealed and made void: And that Charles Leal, Laughlin M'Neal and John M'Clinnan, be and they are hereby appointed Commiſſioners for laying out the ſaid town; which ſaid Commiſſioners ſhall poſſeſs and exerciſe the powers and authorities veſted in the Commiſſioners appointed by the former act.

II. *And be it further enacted,* That the county court of New-Hanover ſhall be held in future on the third Mondays in June, September, December and March; and all matters and things in ſaid court ſhall ſtand adjourned to the third Monday in June next, after the firſt court which ſhall be held after the paſſing of this act.

CHAP. LXVI. *An act to eſtabliſh a Fair at the Hurricane in Richmond county.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that a number of inhabitants of ſaid county are deſirous of having a fair eſtabliſhed at the place aforeſaid:

I. *Be it therefore enacted by the General Aſſembly of th ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, a fair ſhall be eſtabliſhed at or near the place called the Hurricane in Richmond county, to be held on the firſt Thurſdays and Fridays in May and November in each and every year, to be held and conducted under ſuch rules, regulations and reſtrictions as the Commiſſioners hereafter mentioned may direct.

II. *And be it further enacted,* That William Wall, Richard Adams, Hugh M'Call, Benjamin Long, John Cole, jun. Paul M'Call, and Alexander M'Krea, be and are hereby appointed Commiſſioners to ſuperintend the aforeſaid fair; and the ſaid Commiſſioners are hereby empowered and required to form ſuch rules and regulations as they or a majority of them may deem moſt conducive to the intereſt and advantage of ſaid fair.

CHAP. LXVII. *An Act to empower the county courts of Orange, Burke and New-Hanover to employ ſome proper perſon to tranſcribe the books in the Entry-taker's office in ſaid counties.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that the books containing the entries of land in the counties of Orange, Burke and New-Hanover are greatly torn and defaced, ſo as to render many entries nearly illegible; and as it is of great importance to the freeholders of the ſaid counties that the entries made in the Entry-taker's books ſhould be fair and capable of being readily referred to:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That it ſhall and may be lawful for the Juſtices of the county courts of

Orange, Burke and New-Hanover, and they are hereby empowered and required (if they ſhall think the ſame neceſſary) to appoint ſome fit perſon, truly to tranſcribe into a well bound book or books all the entries heretofore made by the different Entry-takers in the ſaid counties, or ſo many, or ſo much thereof as the ſaid Juſtices in their diſcretion ſhall think neceſſary: And the ſaid Juſtices are alſo hereby empowered and required as ſoon as the ſaid entries are ſo tranſcribed, to appoint two or more of their own body to examine the ſaid books ſo tranſcribed; which examiners ſhall be ſworn in open court, well and faithfully to examine the ſaid books ſo tranſcribed with the originals: And ſhould there be any miſtake or error in tranſcribing, to alter and correct the ſame, ſo as exactly to tally with the originals; and the ſaid examiners ſhall at the next court after they are appointed, report the books ſo tranſcribed, examined and corrected to the ſaid county courts of Orange, Burke and New-Hanover; and ſhall then and there make oath that the books as aforeſaid tranſcribed are faithful and exact copies of the originals, orthographical errors excepted: Which books ſhall be ſigned by ſaid examiners, and then ſhall be received by the ſaid county courts of Orange, Burke and New-Hanover, and ſhall be by them immediately delivered to the Entry-takers for the time being: And the ſaid original book of entries ſhall be depoſited in the office of the Clerk of the county courts aforeſaid. 2, 1794.

II. *And be it further enacted*, That the Juſtices of the ſaid county courts of Orange, Burke and New-Hanover, ſhall and may make ſuch allowances and compenſation to the perſon or perſons who ſhall copy and examine the ſaid entry books, as they in their diſcretion ſhall think fit, to be paid as other county charges are paid.

III. *And be it further enacted*, That the ſaid book or books in which the entries of land for the counties of Orange, Burke and New-Hanover, are ſo tranſcribed, when examined and corrected, and received by the county courts as aforeſaid, ſhall be held and deemed as valid in law to all intents and purpoſes as if the entries ſo tranſcribed were the original entries.

CHAP. LXVIII. *An Act directing the Sheriff of Beaufort to hold an Election for the purpoſe of electing Commiſſioners for the town of Bath.*

WHEREAS the Commiſſioners for the town of Bath are all dead or removed: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Sheriff of the county of Beaufort ſhall on the laſt Saturday in Auguſt next, hold an election at the church in the town of Bath, for the purpoſe of electing three Commiſſioners for ſaid town; firſt giving ten days notice of the ſame at the moſt public places in the ſaid town.

II. *And be it further enacted by the authority aforeſaid*, That at ſaid election all freeholders and freemen of ſaid town ſhall have a right to vote for ſaid Commiſſioners.

III. *And be it further enacted by the authority aforeſaid*, That the Commiſſioners ſo elected ſhall have the ſame power, and their ſucceſſion kept up in the ſame manner as the Commiſſioners in the town of Waſhington.

CHAP. LXIX. *An Act to appoint Commiſſioners to erect a court-houſe, priſon and ſtocks in the county of Cabarrus; and to repeal part of an act, entitled, "An act to divide the county of Mecklenberg."* 1792, 21, 53.

WHEREAS it is abſolutely neceſſary that a place in ſaid county ſhould be fixed on for erecting the public buildings thereof: Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That William Cathy, George Graham and William Loftin, be appointed Commiſſioners for the purpoſe of fixing on ſome ſuitable place in the county of Cabarrus, at or near the centre, for erecting a court-houſe, priſon and ſtocks for the uſe of ſaid county: And to the end that ſaid Commiſſioners may have all neceſſary aſſiſtance, a Surveyor from the county of Mecklenberg, together with the Surveyor of Cabarrus, ſhall and they are hereby required to meet ſaid Commiſſioners on the third day of March next, or at any time ſaid Commiſſioners may appoint within twenty days thereafter, at the place where the court of ſaid county is now held, and furniſh the Commiſſioners aforeſaid with a fair plan of ſaid county, ſhewing therein the center, and deſcribing the roads and water courſes; and the ſaid Commiſſioners, or a majority of them, are required to fix on ſuch ſpot

2, 1794.

as ſhall in their, or a majority of their opinion, be moſt proper, ſuitable and advantageous to the ſaid county for the purpoſe aforeſaid, either at or near the center; which ſpot ſo fixed and agreed upon by them, or a majority of them, ſhall be the place on which the public buildings of ſaid county ſhall be erected; and a report thereof ſhall be made by the Commiſſioners aforeſaid, to one or more of the Commiſſioners hereby appointed to ſuperintend the public buildings.

II. *And be it further enacted*, That Benjamin Patton, Archibald M'Curdy, John Meſinhammer, Archibald Houſton, jun. and James Harris, be and are hereby appointed Commiſſioners to ſuperintend the public buildings (a majority of whom ſhall in all caſes conſtitute a quorum) with power to obtain, by purchaſe or otherwiſe, twenty-five acres of land for the uſe of ſaid county, containing the ſpot reported and agreed on by the Commiſſioners aforeſaid, for ſaid public buildings: And the Sheriff of ſaid county is hereby required to pay into the hands of ſaid Commiſſioners all ſuch ſum or ſums of money as he has or may collect by law for defraying the expences aforeſaid.

And whereas it is ſuppoſed that the Commiſſioners and Surveyors being on oath, will give moſt general ſatisfaction to the inhabitants thereof:

III. *Be it further enacted*, That the Commiſſioners and Surveyors before mentioned for the purpoſe of aſcertaining the place for erecting ſaid court-houſe, ſhall previous to entering on the duties of that appointment, take an oath that they will truly and faithfully execute their reſpective duties deſcribed in this act, to the beſt of their knowledge and ability.

IV. *And be it further enacted*, That ſo much of an act, entitled, "An act for dividing the county of Mecklenberg," as comes within the meaning and purview of this act, be and the ſame is hereby repealed and made void.

CHAP. LXX. *An Act appointing Commiſſioners to fix upon a place in the county of Montgomery for the court-houſe therein, and to erect public buildings therein.*

Private.

I. BE *it enated by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Thomas Cotton, Arthur Harris, George Davidſon, Alexander Beard and Joſhua Harris, be and they are hereby appointed Commiſſioners with full power, and they are hereby required to fix and ſettle on ſome convenient place within the limits of the mouth of Uharee and Colby Randle's from the center thereof; alſo to purchaſe fifty acres of land of the proprietor thereof for the uſe of the ſaid county; and they or a majority of them are hereby empowered and required to lay off fifty acres of the ſaid land ſo purchaſed in half acre lots, reſerving one and an half acre of the ſame, for the purpoſe of fixing the court-houſe, priſon and ſtocks thereon; which place when fixed on by the ſaid Commiſſioners or a majority of them, ſhall, and it is hereby declared by this act to be the permanent ſeat of the public buildings of ſaid county.

And for the effecting of the public buildings therein:

II. *Be it further enacted by the authority aforeſaid*, That the court of the county of Montgomery, conſiſting of a majority of the Juſtices in ſaid county being preſent, ſhall at the firſt court that may happen after the paſſing of this act, or at any other court thereafter, when they deem it neceſſary, lay ſuch a tax on the inhabitants of ſaid county, either by the polls thereof, or the land therein, or both if neceſſary, as may be ſufficient to build a court-houſe, priſon and ſtocks for the uſe of ſaid county. *Provided*, That ſuch tax ſhall not exceed two ſhillings on the poll, and eight pence on every hundred acres of land; which tax when laid, ſhall by the Sheriff of the ſaid county be collected in his firſt collection of public taxes that may happen thereafter, under the ſame rules, regulations and reſtrictions as all public taxes in this ſtate are collected; and accordingly by him paid into the hands of the Commiſſioners appointed by this act to erect the public buildings therein.

III. *Be it further enacted*, That Thomas Chiles, Rawlin Harris and Cary Pritchard, be and they are hereby appointed the Commiſſioners to erect the public buildings in ſaid county, at that place where the Commiſſioners appointed for that purpoſe may fix; who ſhall before they proceed on the execution of their duty, give bond with ſufficient ſecurity to the Chairman of the county court, in a ſufficient ſum payable on their neglect to account for and pay all monies that they may receive in conſequence of this act; who alſo ſhall employ workmen at their own diſcretion to erect and finiſh the ſaid public buildings under ſuch plans and forms as they or a majority of them may deviſe.

IV. *Be it further enacted*, That when the Commiſſioners appointed herein ſhall fix on a place for

the ſaid public buildings, the court of the ſaid county of Montgomery, ſhall after their next term that may happen thereafter, adjourn to the ſaid place, where they ſhall afterwards be conſtantly held, and to where all cauſes, iſſues and returns ſhall be made in as full and ample a manner as if that place was mentioned in this act; and that all acts and parts thereof which come within the meaning and purview of this act, be and the ſame are hereby repealed and made void. 2, 1794.

CHAP. LXXI. *An Act to empower the county court of Tyrrel to lay a tax on the inhabitants of ſaid county for the purpoſe of building a gaol therein.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the county court of Tyrrel, conſiſting of a majority of the Juſtices in ſaid county, ſhall at their firſt court which ſhall happen after the paſſing of this act, or at any court thereafter when they deem it neceſſary, lay a tax on the inhabitants of ſaid county, as ſhall be ſufficient to build a gaol therein. *Provided*, That ſuch tax ſhall not exceed one ſhilling and ſix pence on each poll, alſo eight pence on every hundred acres of land, and one ſhilling and ſix pence on every hundred pounds value of town property in ſaid county: Which tax when laid, ſhall by the Sheriff of ſaid county be collected in his firſt collection of public taxes that may happen thereafter, and by him paid into the hands of the Commiſſioners appointed to effect the intention of this act, under the ſame rules, regulations and penalties as are inflicted upon all delinquencies of a like nature. Private.

II. *And be it further enacted*, That Edmund Blount, Nathan Hooker and Benjamin Spruill, ſenior, be and they are hereby appointed Commiſſioners to employ workmen for the building of the ſaid gaol, upon ſuch a plan as they may deviſe, and ſuperintend the work ſo that it is effected to an advantage: Which Commiſſioners ſhall before they enter into the execution of their duty, give bond with ſecurity to the Chairman of the ſaid county court, for the purpoſe of carrying this act into effect by the completion of the gaol aforeſaid.

CHAP. LXXII. *An Act to authoriſe the Commiſſioners herein mentioned, to purchaſe a piece of land in Wadeſborough, for the public buildings; and to remove the gaol from the land whereon it now ſtands and place it on the ſame.*

WHEREAS the gaol in the town of Wadeſborough does not ſtand on public ground, and thereby has become uſeleſs to the county: For remedy whereof, Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That William Henry, William Johnſton, Patrick Bogan, Malachi Watts and John May, ſenior, be and they are hereby appointed Commiſſioners for the purpoſe of contracting for and purchaſing ſuch quantity of land as they, or a majority of them, may conceive neceſſary, to erect a gaol and ſtocks on, for the uſe of the county of Anſon; and the ſaid Commiſſioners are hereby declared to have full power and authority to remove the gaol of ſaid county from the land whereon it now ſtands, and cauſe the ſame to be placed on the public ground hereby authoriſed to be purchaſed. For which ground the ſaid Commiſſioners are hereby required to have a deed of conveyance executed by the proprietor to them for the uſe of the county.

II. *And be it further enacted*, That the county court of Anſon ſhall have full power and authority to lay a tax, not exceeding two ſhillings on each poll, eight pence on each hundred acres of land, and one ſhillings on every hundred pounds value of town lots, with their improvements; to be collected by the Sheriff in the ſame manner as all other public taxes, and by him paid to the Commiſſioners aforeſaid, for the purpoſe of defraying the expences of their duty herein expreſſed.

CHAP. LXXIII. *An Act to amend the laws now in force for the regulation of the town of Salisbury, and to amend an act, entitled, "An act for the better regulation of the town of Halifax."* 1786, 35, 173.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Commiſſioners of the town of Saliſbury or a majority of them, ſhall annually appoint a proper perſon to collect the tax of the ſaid town agreeable to the aſſeſſment

2, 1794. made by the aſſeſſors appointed by the court of the county of Rowan; and the perſon ſo appointed, before he enters on the execution of his office, ſhall enter into bond with ſufficient ſecurity in a ſum not leſs than one hundred pounds lawful money of this ſtate, to the Commiſſioners of the town and their ſucceſſors, for the faithful diſcharge of his duty: and in caſe the perſon ſo appointed ſhall refuſe to ſerve or fail to give ſecurity as aforeſaid, the ſaid Commiſſioners ſhall and may proceed to nominate and appoint any other perſon who may be willing to act and enter into bond with ſecurity in manner as aforeſaid; and the Collector ſo appointed ſhall and he is hereby empowered, directed and required to collect the taxes, and pay the ſame to the Treaſurer of the ſaid town on or before the firſt Monday in Auguſt in every year, after deducting ſuch commiſſions as may be allowed him by the board, for his trouble in making ſuch collection: And if any ſuch Collector ſhall neglect or refuſe to account for on oath, and pay the ſeveral taxes wherewith he is chargeable according to the directions of this act, after deducting his commiſſions, it ſhall and may be lawful for the ſuperior court of Saliſbury diſtrict, or the county court of Rowan, on motion of the Commiſſioners or a majority of them or on motion of the Treaſurer of the town on their behalf, to give judgment againſt ſuch Collector, and his ſecurities for all monies wherewith he ſhall or may be chargeable to the town, with coſts of ſuit; and thereupon award execution againſt the body or againſt the goods and chattels, lands and tenements of ſuch Collector and his ſecurities. *Provided always*, That the Collector ſhall have ten days previous notice of ſuch motion.

II. *Be it further enacted*, That in all acts of the ſaid Commiſſioners a majority of them ſhall conſtitute a quorum, except for the purpoſe of laying taxes, in which caſe the attendance of the whole number ſhall be requiſite: And if any Commiſſioner ſhall after notice or ſummons ſubſcribed by three of the Commiſſioners, and counterſigned by the Clerk, ſuch notice and ſummons to contain the time and place of meeting, and to be left at his dwelling houſe twelve hours at leaſt previous to ſuch meeting, fail or neglect to give his attendance, he ſhall forfeit and pay the ſum of twenty ſhillings for every ſuch failure or neglect, unleſs prevented by ſickneſs or ſuch other cauſe as ſhall be ſatisfactory to a board of the Commiſſioners, to be recovered before the Magiſtrate of the Police of the ſaid town, or any Juſtice of the Peace of the county, and applied to the uſe of the town: and the ſaid Commiſſioners ſhall meet at leaſt once in every two months.

III. *Be it further enacted*, That the Treaſurer of the ſaid town ſhall annually in the month of January publiſh an accurate account of the taxes levied and collected in ſaid town, together with a liſt of each ſum expended, to whom paid, and for what purpoſe: And the Treaſurer failing to comply with the ſame ſhall forfeit and pay the ſum of twenty-five pounds, to be recovered by any inhabitant of the town who ſhall ſue for the ſame within ſix months thereafte , before any juriſdiction having cognizance thereof, one half to the perſon ſuing for the ſame, and the other half to be paid to the Commiſſioners of the town for the uſe of the ſaid town.

IV. *Be it further enacted*, That all perſons who ſhall have reſided ſix months in the ſaid town, ſhall be ſubject to the payment of taxes.

V. *Be it further enacted*, That if it ſhall hereafter happen by the neglect of the Sheriff or other cauſe that the election of Commiſſioners cannot be held on the day appointed by law, it ſhall be the duty of the Magiſtrate of Police, or any three of the Commiſſioners of the preceding year, to notify the people of the town by advertiſement at the court-houſe, of the failure of the annual election, and the cauſe thereof; at the ſame time requiring them to attend at the court-houſe on a day therein to be appointed for the purpoſe of giving their ſuffrages for five ſuitable perſons to act as Commiſſioners, and one ſuitable perſon, being a Juſtice of the Peace, to act as Magiſtrate of Police for the year in which the failure ſhall ſo have happened: Which election ſhall be opened and held in the ſame manner, and the perſons elected ſhall poſſeſs the ſame qualifications, powers and authorities, and be ſubject to the like reſtrictions and penalties, and perform the ſame duties as if they had been elected on the day preſcribed by law for that purpoſe.

VI. *Be it further enacted*, That if any of the Commiſſioners of the town of Saliſbury ſhould hereafter refuſe to act, remove out of the town, or die, before the next annual election, the remaining Commiſſioners are hereby authoriſed and required to chooſe others in the room and ſtead of thoſe dying, removing or refuſing to act as aforeſaid; which Commiſſioners ſo choſen and qualifying according to law, ſhall have and poſſeſs the ſame powers as the Commiſſioners had a right to exerciſe in whoſe room and ſtead they were appointed, and in all caſes be ſubject to the like reſtrictions and penalties.

And whereas diſputes have ariſen in the town of Halifax, reſpecting partition fences and paleings:

VII. *Be it enacted by the authority aforeſaid*, That the Commiſſioners of the ſaid town of Halifax, or a majority of them, ſhall have full power and authority to make ſuch laws and regulations reſpecting dividing or partition fences or paleings as to them ſhall appear neceſſary to quiet ſuch diſputes, and to do juſtice between the parties intereſted. 2, 1794.

CHAP. LXXIV. *An Act for the better regulation of the town of Wilmington.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Commiſſioners of the town of Wilmington, ſhall at their firſt meeting after the firſt day of May next, proceed to elect by ballot one of their body as a Chairman, who ſhall be ſtiled the Magiſtrate of Police, and ſhall ſit as Chairman in all the town meetings hereafter to be held. In caſe the ballots for ſuch Chairman ſhall be equally divided, the Town-Clerk ſhall determine the election; and all orders and proceedings of the Commiſſioners of ſaid town, ſhall be ſigned by the Magiſtrate of Police ſo elected. In caſe of the death, removal or refuſal to act of the ſaid Magiſtrate, the Commiſſioners of ſaid town may proceed to elect ſome other of their body, in manner and form herein directed, to the office of Magiſtrate of Police. *Provided nevertheleſs*, That nothing herein contained ſhall exclude the Commiſſioners of ſaid town, or any of them, from exerciſing all and ſingular the powers and authorities with which they or either of them have been heretofore veſted. And the Commiſſioners of the ſaid town hereafter to be elected, ſhall at their firſt meeting after every annual election, proceed to the appointment of a Magiſtrate of Police in the manner herein mentioned, who ſhall be veſted with all the powers hereby annexed to the office of ſaid Magiſtrate. Private.

II. *And be it further enacted*, That whenever three houſeholders in the ſaid town, or the repreſentative of the ſame, ſhall deem it neceſſary to have a town meeting called, application ſhall be made to the ſaid Magiſtrate of Police, who ſhall, by public notice (which ſaid notice ſhall be counterſigned by the Town-Clerk) convene the inhabitants of ſaid town at ſuch time and place as he may think proper; and in caſe of the abſence or indiſpoſition of ſaid Magiſtrate, application ſhall be made to any three or more of the Commiſſioners, who are hereby empowered to call ſuch town meeting, by a public notice counterſigned by the Town-Clerk, at ſuch time and place as they may think proper.

CHAP. LXXV. *An Act to facilitate the navigation of Roanoke River, from Blountſville in Martin county, to Cedar-Landing in Bertie county.*

WHEREAS the navigation of the ſaid river is greatly obſtructed by logs and other litter, which lie concealed under the water at that ſeaſon of the year when navigation buſineſs becomes much in demand, and frequent inſtances occur of whole cargoes being loſt in conſequence thereof: Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the county courts of Martin and Bertie ſhall at their firſt meeting after the firſt day of May next, appoint two Commiſſioners, one for each of the ſaid counties of Martin and Bertie, whoſe duty it ſhall be to draw two maps of the ſaid river from Blountſville to Cedar-Landing, the two places before mentioned; and furthermore the ſaid Commiſſioners ſhall lay the river off into diſtricts, which ſhall be by them as nearly as poſſible apportioned to the two counties, and each of them are hereby directed to report to their county courts reſpectively an accurate plan or ſtatement of their proceedings; and they and each of them ſhall receive for every day's ſervice the ſum of twenty ſhillings, to be paid out of the county tax of their reſpective counties: And when it ſhall ſo happen that either of the ſaid Commiſſioners appointed by virtue of this act, ſhall refuſe or neglect to comply with the duties hereby enjoined, he or they ſo refuſing or neglecting ſhall forfeit and pay the ſum of five pounds, to be recovered before any juriſdiction having cognizance thereof, one half to be paid to the county Treaſurer for the uſe of the county, the other half to the uſe of the perſon who ſhall ſue for the ſame. *Provided*, That this penalty ſhall not affect any perſon as a Commiſſioner, who ſhall not have accepted the appointment in open court.

II. *And be it further enacted*, That in caſe of death or inability to act of either of the ſaid Commiſſioners, the court or courts reſpectively ſhall, at their next ſeſſions, proceed to appoint another or others, who ſhall be under the ſame reſtrictions as by this act directed.

2, 1794.

III. *And be it further enacted*, That the county courts of Martin and Bertie reſpectively are hereby authoriſed and directed, as ſoon as the ſaid Commiſſioners ſhall make their reſpective returns, to appoint one overſeer for each diſtrict that ſhall be apportioned by the ſaid Commiſſioners, to each of the counties aforeſaid; and the ſaid overſeer in each of the ſaid counties, when ſo appointed, ſhall call together the hands allotted to each of them, for the purpoſe of working on the ſaid river at leaſt ſix and not exceeding ten days in each year; and the ſaid overſeers are hereby directed to remove all trees, logs and ſnags that may tend to obſtruct the ſaid navigation.

IV. *And be it further enacted*, That each and every overſeer appointed by virtue of this act, ſhall be under the ſame rules, regulations and reſtrictions as overſeers appointed to work on public roads.

V. *And be it further enacted*, That it ſhall be the duty of each of the ſaid county courts reſpectively, as ſoon as may be, to allot and ſet off to each of the ſaid overſeers, ſuch number of hands as they may deem adequate to the buſineſs; which hands when ſo allotted, ſhall be under the ſame penalties and reſtrictions as thoſe who work on public roads.

VI. *And be it further enacted*, That all overſeers and hands ſo appointed, ſhall ſtand exempt from working on all public roads.

VII. *And be it further enacted*, That all perſons who ſhall after the firſt day of May next, cut or fall trees into the river aforeſaid, and within the bounds before mentioned, ſo as to obſtruct the navigation thereof, ſhall forfeit and pay the ſum of ten pounds, to be recovered in a ſummary manner before any Juſtice of the Peace having cognizance thereof, one half to the informer, the other half to the county Treaſurer, for the uſe of the county where ſuch fine or fines may accrue.

CHAP. LXXVI. *An Act to emancipate Jack, alias Jack Small, a perſon of color.*

Private.

WHEREAS Jemima Barrs, a free woman of mixed blood, hath repreſented to this General Aſſembly, that ſhe hath purchaſed a certain Jack Small, for a valuable conſideration, and ſince hath become his legal wife: And whereas the ſaid Jemima Barrs hath petitioned this General Aſſembly to emancipate and ſet free her ſaid huſband, Jack Small aforeſaid:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the aforeſaid perſon of color Jack Small, ſhall henceforth be emancipated and abſolutely ſet free, by the name of Jack Small; and be entitled to all the privileges and immunities which free people of color enjoy and poſſeſs in this ſtate, any law to the contrary notwithſtanding. *Provided nevertheleſs*, That nothing in this act contained ſhall affect the claim or claims of any other perſon or perſons, either in law or equity, except the claim of the ſaid Jemima Barrs.

CHAP. LXXVII. *An Act to eſtabliſh and regulate a toll-road through the Great-Diſmal Swamp, between the head of Perquimans and Little-Rivers; and to grant to Jeſſe Perry an eſtate therein for the term of twenty-five years.*

Private.

WHEREAS ſundry perſons have by ſubſcription done much labor on ſaid road, and it requires much labor to keep the ſame in repair, and ſundry perſons who were ſubſcribers towards making ſaid road, having ſignified to this General Aſſembly by petition, their deſire that the ſaid road ſhould be veſted in Jeſſe Perry, for the purpoſe of keeping the ſame in repair:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That for and in conſideration of the trouble and expence which the ſaid Jeſſe Perry may be at in keeping ſaid road in repair, the ſaid road with all the profits, ſhall be and the ſame are hereby veſted in the ſaid Jeſſe Perry, his heirs and aſſigns, for the term of twenty-five years; and it ſhall and may be be lawful for the ſaid Jeſſe Perry, his heirs, executors, adminiſtrators or aſſigns, to ſet up a gate on any part of the ſaid road, and at all times when the ſame ſhall be fitting for the ſafe paſſage of horſes and carriages, demand and receive at the ſaid gate, except as hereafter excepted, the following tolls or rates, *to wit*, For every man and horſe, the ſum of one ſhilling; for every head of black cattle or ſingle horſe, the ſum of ſix pence; for every ſheep or hog, the ſum of one penny; for every carriage-wheel of pleaſure, the ſum of one ſhilling; and for every wheel of every other carriage the ſum of four pence.

II. *And be it further enacted by the authority aforeſaid*, That in caſe of refuſal to pay the ſaid tolls, at the time of offering to paſs the ſaid toll-gate, to be erected as above mentioned, and previous to paſſing the ſame, the Collector or Toll-keeper, or the proprietor of the ſaid toll, may lawfully refuſe paſſage to any perſon or perſons ſo refuſing payment; and if any perſon or perſons ſhall paſs without paying the ſame, the Collector, Toll-keeper or proprietor of the ſaid road may recover the full amount of the tolls above mentioned with coſts, before any Juſtice of the Peace in the county where the offender may be taken. *Provided nevertheleſs*, That all perſons who have ſubſcribed or done labor towards making ſaid road, ſhall be at liberty at all times to paſs the ſaid road or gate, free from paying any toll, until the ſubſcription by him or them ſo ſubſcribed, ſhall be exhauſted, rating each paſſage at the ſame rate that others pay who were not ſubſcribers.

III. *And be it further enacted*, That in conſideration of the tolls hereby granted, the ſaid Jeſſe Perry, his heirs and aſſigns, ſhall forever after the ſaid gate is ſet up, keep the ſaid road in good and paſſable order for carriages and horſes; and in caſe of neglect any perſon or perſons ſhall be entitled to recover any damage which they may ſuſtain by the ſaid road being out of repair, before any juriſdiction having cognizance thereof.

IV. *And be it further enacted*, That the ſaid toll-road ſhall be eſteemed and taken as a public highway, on payment of the tolls impoſed by this act.

CHAP. LXXVIII. *An Act to eſtabliſh Fairs at the town of Rockford in the county of Surry, at South Waſhington, in the county of New-Hanover, and at the plantation of James Campbell in Cumberland county, on Little River; and for altering the times of holding the Fairs at Huntſville, in the ſaid county of Surry.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That a fair ſhall be eſtabliſhed at the town of Rockford in the county aforeſaid, to begin on the third Friday and Saturday in May, and the ſecond Friday and Saturday in September, in each and every year.

II. *And be it further enacted*, That Joſhua Freeman, Jeffry Johnſton, Reuben Grant, Daniel Bills and William Johnſton, be and they are hereby conſtituted and appointed Managers of ſaid fair; and in caſe of death, refuſal or removal of any of the ſaid Managers, a majority of thoſe remaining may appoint one or more Managers in the room or place of him or them who ſhall refuſe to act as aforeſaid, who ſhall have the ſame powers and authorities as thoſe appointed by this act.

III. *And be it further enacted*, That a fair be eſtabliſhed at James Campbell's plantation in Cumberland county, on Little-River, and in New-Hanover county, in the town of South Waſhington, each to be held on the firſt Tueſdays annually in the months of May and November, and to continue three days at each place.

IV. *And be it further enacted*, That George Elliot, Daniel Cameron, Malcomb Brice, Hector M'Neil, and Neil Munro, for the county of Cumberland, and William Jones, James Phebus, William Wright, Timothy Bloodworth, jun. and Thomas Murry, for the county of New-Hanover, be and they are hereby conſtituted Managers of ſaid fairs in their reſpective counties; and in caſe of death, removal or refuſal to act of any of the ſaid Managers, a majority of the remaining Managers may appoint other Managers in the room of thoſe removing, refuſing or dying.

V. *And be it further enacted*, That all citizens of the United States ſhall have and enjoy the privilege of ſelling, exchanging and bartering their produce, manufactures and other commodities at the fairs hereby eſtabliſhed, agreeably to the regulation of other fairs in this ſtate, and the laws of the ſame.

VI. *And be it further enacted*, That the fairs to be hereafter held at the town of Huntſville in the ſaid county of Surry, ſhall be held the firſt Friday and Saturday in May and October in each and every year, any law to the contrary notwithſtanding.

2, 1794.

CHAP. LXXIX. *An act for the better regulation of the town of Fayetteville.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the Magiſtrate of Police of the ſaid town, ſhall in the month of December, in the year one thouſand ſeven hundred and ninety-five, and in every month of December thereafter, call together the Commiſſioners of ſaid town; whoſe duty is hereby declared to be, to divide the ſaid town into ſeven wards, each of which wards to contain as nearly as may be an equal number of freemen and freeholders reſident within the limits of the ſaid town.

II. *And be it further enacted*, That each of the wards laid off as aforeſaid, ſhall be entitled to a repreſentation of one Commiſſioner for ſaid town, to be annually elected at the time preſcribed by law, at an election to be held by the Magiſtrate of Police for the time being, who is hereby directed to hold the ſaid elections within the ſaid wards, at ſome houſe moſt central and convenient, and to advertiſe the ſaid election at leaſt five days before the time of holding the ſame; and the qualifications of the electors are hereby declared to be the ſame as heretofore provided by law; and the Magiſtrate of Police ſhall exerciſe the ſame powers and authorities with regard to the manner of conducting ſuch elections as were incident to the Sheriff of the county.

III. *And be it further enacted*, That the taxes of the ſaid town ſhall be laid in ſuch manner and collected within ſuch period as a majority of the Commiſſioners ſhall preſcribe; and all perſons who have reſided ſix months within the ſaid town ſhall be liable to the payment of taxes.

CHAP. LXXX. *An Act to enable Peter Mull, late Sheriff of Burke county, to collect the arrears of taxes due to him as Sheriff.*

Private.

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That Peter Mull, late Sheriff of Burke county, ſhall be and is hereby veſted with full power and authority to collect the arrears of taxes due to him as Sheriff, for the years one thouſand ſeven hundred and ninety, and one thouſand ſeven hundred and ninety-one, in as full and ample manner as he poſſeſſed the ſame when Sheriff of the ſaid county. *Provided*, That this act ſhall ceaſe to be in force from and after the firſt day of January next.

CHAP. LXXXI. *An act to carry into effect the petition of John Naylor, by granting him a divorce from his wife Martha.*

Private.

WHEREAS John Naylor hath petitioned this General Aſſembly, praying to be divorced from his wife Martha, and the ſaid John hath ſhewn good and ſufficient cauſe for the ſame:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſaid John and Martha ſhall be divorced from the bonds of matrimony, in the ſame manner as if their marriage had never been ſolemnized; and the ſaid John and Martha are hereby divorced as aforeſaid.

II. *And be it further enacted*, That Thomas Armſtrong, John Sibley and John Ingram ſhall be and they are hereby appointed Commiſſioners, who ſhall on or before the fifteenth day of February next, call upon the ſaid John Naylor to deliver unto them, or any two of them, an eſtimate on oath, of the amount of his property at the time of his ſeparation from his wife Martha, excluſive of the debts he owed; and half the ſum of the value thereof ſhall be delivered or paid to the ſaid Martha, who in caſe of failure may ſue for the ſame.

CHAP. LXXXII. *An Act to appoint Commiſſioners to ſettle with the late Sheriffs of the counties of Lenoir and Glaſgow, for the monies by them collected for the purpoſe of building a court-houſe, priſon and ſtocks, and other purpoſes therein mentioned.*

Private.

WHEREAS it hath been repreſented to this General Aſſembly, that the late Sheriffs of the counties of Lenoir and Glaſgow hath not fully ſettled and accounted for the monies by them collected for the purpoſe of building a court-houſe, priſon and ſtocks in the county of Glaſgow, and priſon and

1791, 47, 28. ſtocks in the county of Lenoir, agreeable to the true intent and meaning of an act, entitled, "An act

for dividing the county of Dobbs," paſſed in the year one thouſand ſeven hundred and ninety-one: 2, 1794.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Jeſſe Aldridge and William Ormond be and they are hereby appointed Commiſſioners for the county of Glaſgow; and that Bryant Whitfield, Frederick Jones and James Bright, ſen. be and they are hereby appointed Commiſſioners for the county of Lenoir; and the ſaid Commiſſioners ſhall attend, or a majority of them, provided that the ſaid James Bright and one of the ſaid Commiſſioners from each county at leaſt be preſent, at the dwelling houſe of James Bright, ſen. in the county of Lenoir, on ſome day by them to be fixed on between the firſt and tenth days of March next, or as ſoon as may be after that time; at which time they ſhall notify the Sheriffs of the ſaid counties of Lenoir and Glaſgow who hath received any of the ſaid monies, to attend on ſaid day ſo appointed, to account for and ſhew on oath what monies hath been by them collected for the purpoſe of building a court-houſe, priſon and ſtocks for the county of Glaſgow, and a priſon and ſtocks for the county of Lenoir, by virtue of an act paſſed at Newbern, in the year one thouſand ſeven hundred and ninety-one, entitled, "An act for dividing the county of Dobbs:" And that it ſhall be the duty of the Commiſſioners herein before appointed to call on the late Commiſſioners in 1791, 47, 28. the ſaid counties of Lenoir and Glaſgow, who were appointed to contract for and have the buildings herein before mentioned finiſhed and completed, to ſhew what balance may be ſufficient to complete the ſame; and it ſhall alſo be their duty to make a fair ſtatement to the Commiſſioners by this law appointed, of the monies already collected, as alſo the ſums appropriated; and on receiving ſuch ſtatement ſhall make report of the ſame to the Juſtices of the counties of Lenoir and Glaſgow at the next term to be held for each county, and alſo what further ſum they may deem ſufficient to complete ſaid buildings.

II. *And be it further enacted by the authority aforeſaid,* That when the Juſtices of the ſaid county of Lenoir, and the Juſtices of the ſaid county of Glaſgow, ſhall receive ſuch report, they are hereby authoriſed to lay ſuch further tax, on the taxables and taxable property in each of ſaid counties, as may be deemed ſufficient to defray the charges herein before mentioned, not to exceed the ſum of two ſhillings on every poll, and eight pence on every hundred acres of land, and two ſhillings on every hundred pound's value of town property in the ſaid counties of Lenoir and Glaſgow, for the year one thouſand ſeven hundred and ninety-five; which ſums ſhall be appropriated to the uſe of finiſhing and completing the public buildings for the ſaid counties of Lenoir and Glaſgow; which ſaid tax ſhall be collected by the ſheriff of each county, and accounted for in the ſame manner and under the ſame reſtrictions as are preſcribed for collecting and accounting for public taxes, and the tax heretofore laid for defraying the expences of the ſaid buildings.

And whereas it appears that the county Truſtees for the late county of Dobbs, for the year one thouſand ſeven hundred and eighty-ſeven, one thouſand ſeven hundred and eighty-eight, one thouſand ſeven hundred and eighty-nine, one thouſand ſeven hundred and ninety, and one thouſand ſeven hundred and ninety-one, have failed to ſettle and account for the application of the monies which they reſpectively have received: And as ſome doubts have ariſen whether the county court of Lenoir have power to call them to account.

III. *Be it therefore enacted by the authority aforeſaid,* That the Juſtices of the county court of Lenoir be and they are hereby empowered to call to account the Truſtees aforeſaid for all monies which they reſpectively may have received; and in caſe either of the ſaid Truſtees ſhall fail to ſettle and account as aforeſaid, then it ſhall and may be lawful, in the name of the Chairman of the county court of Lenoir, to enter judgment in ſaid court of Lenoir againſt ſuch delinquent Truſtees and their ſecurities, after giving ten days previous notice, and award execution accordingly: And the monies when ſo collected, ſhall be applied to the reimburſing each of the counties of Lenoir and Glaſgow the debts due from the late county of Dobbs at the time of the diviſion, which they may have reſpectively paid and diſcharged, and the balance equally divide between the two counties of Lenoir and Glaſgow, to be applied in leſſening their reſpective county taxes.

2, 1794.

CHAP. LXXXIII. *An Act to eſtabliſh a ware-houſe, for the inſpection of hemp in the town of Fayetteville.*

Private.

WHEREAS the culture of hemp is likely to be promoted by the eſtabliſhment of a ware-houſe for the inſpection of the ſame;

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the Commiſſioners of the ſaid town are hereby empowered and directed to contract in ſuch manner as they may think proper for a convenient lot or lots of land, and alſo to contract for the erecting a houſe proper for the reception of hemp, regard being had to its remote and ſafe ſituation from other buildings.

II. *And be it further enacted,* That the county court of Cumberland ſhall at their ſeſſions which will be in April next, appoint two diſcreet perſons, acquainted with the qualities of hemp, to be Inſpectors of the ſame, who ſhall hold their office during good behavior, and ſhall give bond with good ſecurity in the ſum of two thouſand pounds, payable to the Governor for the time being, and conditioned for the faithful diſcharge of their duty; which bond may be put in ſuit by any perſon injured, without aſſignment from the Governor.

III. *And be it further enacted,* That the ſaid Inſpectors ſhall receive from the owner at the rate of one ſhilling for every hundred weight of hemp inſpected, and all hemp inſpected as aforeſaid ſhall be held and deemed merchantable.

CHAP. LXXXIV. *An Act for the better regulation of the town of South-Waſhington.*

Private.

WHEREAS the Commiſſioners for the aforeſaid town live at ſo remote a diſtance that a majority cannot be collected with conveniency to order the inhabitants to work on the ſtreets: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the inhabitants of the ſaid town ſhall hereafter be liable to work on the public roads in the diſtrict, under the direction of the overſeer, who is hereby authoriſed and commanded to compel the inhabitants of ſaid diſtrict to keep in order the ſtreets of the ſaid town, particularly the back ſtreet, from the main road in a ſtraight direction to the upper part of the ſtreet, and from the lower end the moſt direct way to the public road, which ſhall be kept in paſſable order for carriages; alſo the market ſtreet to the river, under the ſame fines and forfeitures inflicted by law, for neglect in working on the public roads, any law, uſage or cuſtom to the contrary notwithſtanding; and that all acts and parts of acts that come within the meaning and purview of this act, be and they are hereby repealed and made void.

CHAP. LXXXV. *An Act to remove diſabilities from certain perſons therein mentioned.*

Private.

WHEREAS Joſeph Wood, of Robeſon county, hath iſſue by his preſent wife Sarah, four children, *to wit*, William, Ann, Joſeph and Sarah, ſince which doubts have ariſen of the legality of the marriage of the ſaid Joſeph, and that the iſſue thereof may be made illegitimate ſo as to be deprived of taking or holding property by deſcent from their father as aforeſaid: For remedy whereof,

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the aforeſaid William, Ann, Joſeph and Sarah, the iſſue of the marriage aforeſaid, as well as thoſe who may hereafter be born of his ſaid wife Sarah, are hereby declared to be the legal deſcendants, heirs and repreſentatives of him the ſaid Joſeph, who ſhall and may claim, take, hold, poſſeſs and enjoy by deſcent, deviſe or otherwiſe, all eſtate both real and perſonal, as they being the legal repreſentatives of him the ſaid Joſeph, in law or equity, may be entitled to; and as ſuch may ſue or be ſued, plead and be impleaded, and poſſeſs every right, privilege or advantage as fully and amply to all intents and purpoſes as if no doubts had been ſuggeſted or diſabilities had exiſted, any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. LXXXVI. *An Act to regulate the taking of fiſh with ſeines in Blount Creek, in Beaufort county.* 2, 1794.

WHEREAS it is repreſented to this General Aſſembly, that certain perſons by extending their ſeines quite acroſs Blount Creek in Beaufort county, ſo as to obſtruct the paſſage of fiſh, to the prejudice of a number of the inhabitants adjacent to ſaid creek: Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act it ſhall not be lawful for any perſon or perſons to haul or work more than one ſeine in the ſame place at the ſame time, or to ſtretch a ſeine acroſs the ſaid creek ſo as to hedge the ſame, under the penalty of forfeiting fifty pounds, to be recovered to the uſe of the perſon ſuing for the ſame, before any juriſdiction having cogniſance thereof.

CHAP. LXXXVII. *An Act to appoint Commiſſioners to contract for and purchaſe two half acre lots in the town of Smithfield and county of Johnſton; and alſo to contract for the rebuilding of the court-houſe, priſon and ſtocks thereon.*

WHEREAS it hath been repreſented to the General Aſſembly that the land whereon the preſent court-houſe, priſon and ſtocks of ſaid county now ſtand, has not yet been purchaſed for the uſe of ſaid county: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That John Bryan, Reuben Sanders, Everitt Pearce, Hardy Bryan, William Avera, Thomas Gray and Joſeph Boone, or a majority of them, be appointed Commiſſioners for the purpoſe of contracting for and purchaſing, and taking in fee ſimple, to the uſe of the county of Johnſton, two half acre lots in the ſaid town of Smithfield; and alſo to contract for the rebuilding of the court-houſe, priſon and ſtocks thereon, for the uſe of the ſaid county of Johnſton.

And to defray the expences of ſaid purchaſe and rebuilding the court-houſe, priſon and ſtocks aforeſaid:

II. *Be it further enacted,* That it ſhall and may be lawful for the county court of Johnſton to lay a tax, not exceeding four ſhillings on the poll, and a tax not exceeding one ſhilling and four pence on each hundred acres of land, and a tax not exceeding four ſhillings on each hundred pounds value of town property; which taxes when collected, ſhall be paid to the Commiſſioners by this act appointed for the purpoſes aforeſaid: And the ſaid Commiſſioners ſhall give bond in the ſum of four thouſand pounds, to account with the court of ſaid county for all monies which they may receive in virtue of this act; and if any ſurplus ſhould remain in their hands after defraying the expences of the ſaid land and buildings, it ſhall remain ſubject to the order of the ſaid county court. That when a majority of the Juſtices of ſaid county ſhall judge that the court-houſe to be erected purſuant to this act, is fit for their reception, they are hereby empowered to adjourn the court of the county to the ſaid court-houſe, where the courts of the ſaid county ſhall thereafter be held.

III. *And be it further enacted,* That an act to empower the county court of Johnſton, to lay a tax annually in the ſaid county, for the purpoſe of repairing the court-houſe, priſon and ſtocks, and defraying the contingent charges of ſaid county, paſſed at Fayetteville, in the year one thouſand ſeven hundred and ninety-three, be and the ſame is hereby repealed. 1793, 62, 115.

CHAP. LXXXVIII. *An Act to amend an act, entitled, "An act for building a court-houſe in the town of Wilmington, for the diſtrict of Wilmington; and to empower the Juſtices of New-Hanover county to encreaſe the county tax."* 1790, 31, 237.*

WHEREAS doubts have ariſen reſpecting the continuation of the ſaid act, whereby the diſtrict tax has been unequally collected: Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the Commiſſioners appointed for carrying the aforeſaid act into effect ſhall have, and they are hereby inveſted with full power and authority, and are ſtrictly required to recover from any of the Sheriffs of the diſtrict aforeſaid, in the manner preſcribed for the recovery of public taxes, all ſuch ſums of money as may or ought to have been collected by any of the ſaid Sheriffs who received part of the ſaid tax in any one year, ſo that the ſaid Sheriff, or late Sheriff, or in caſe of

2, 1794. death, his ſecurities ſhall be obliged to complete the collection of any year ſuch Sheriff did begin under the ſaid law; but where the Sheriff of any county in ſaid diſtrict did not attempt to collect any part of the ſaid tax from a doubt of its continuance, then the Sheriff of the counties which have not paid up their quota of the taxes, and who ſhall be in office between the time of paſſing this act and the third Monday in April next, ſhall, and they and each of them are required to collect the arrearages of the diſtrict tax, ſo as to complete the payment in each county of three years taxes, under the ſame rules and penalties as are mentioned in the aforeſaid act, and to pay the ſame to the Commiſſioners in the ſaid month of April.

II. *And be it further enacted*, That the Sheriffs who ſhall collect the public tax for the year one thouſand ſeven hundred and ninety-four, ſhall at the ſame time collect one year's diſtrict tax for carrying on the building of the ſaid court-houſe, agreeable to the directions and penalties in ſaid act; and the ſaid Commiſſioners are hereby empowered and particularly required to recover in the manner ſpecified in the afore recited act, from the gaol Commiſſioners all ſuch ſums of money as remain or ought to remain in their hands unappropriated towards the building of the gaol in the diſtrict aforeſaid.

III. *And be it further enacted*, That the Commiſſioners of the ſaid court-houſe ſhall on or before the ſixteenth day of May, one thouſand ſeven hundred and ninety-ſix, produce an account of their receipts and expenditures, and their ſettlement with the gaol Commiſſioners, to Benjamin Smith, Daniel Gliſſon, Joſhua Grainger Wright, Joſeph Scott Cray and Robert Scott; who are hereby appointed a board to examine the ſame; and they, or two-thirds of them, with the court-houſe Commiſſioners or two-thirds of them, ſhall meet together at Wilmington, on the twenty-firſt day of May, 1796; and if the ſaid Commiſſioners, or two-thirds of each board, ſhall deem a further ſum neceſſary for completing the ſaid court-houſe, they are hereby jointly authoriſed and empowered, to direct an order ſigned by each of them to the Sheriffs of the reſpective counties in ſaid diſtrict (who are hereby ſeverally directed to obey the ſame) requiring them to collect the court-houſe tax for the year one thouſand ſeven hundred and ninety five, under the rules, regulations and penalties, preſcribed by the act heretofore recited; and the ſaid Commiſſioners of the court-houſe are required to account with and pay to the Commiſſioners in this act named, on or before the firſt day of January, one thouſand ſeven hundred and ninety ſeven, any ballance which may or ought to remain in their hands after a proper ſettlement with the Sheriffs and gaol Commiſſioners, under the penalty of the ſame being recovered in like manner as recovery is to be had from the Sheriffs by ſaid act: And the ſaid herein appointed Commiſſioners are hereby directed, in caſe of death, removal or refuſal to act, to elect ſome other perſon out of the ſame county, to which ſuch Commiſſioners dying, removing or refuſing to act belonged: And they are reſpectively empowered to call to account the ſaid court-houſe Commiſſioners, and to receive from them ſuch balances of the monies remaining, or which ought to remain in their hands, as are agreeable to the proportions paid in by each county; and which balances they are required forthwith to pay to the Treaſurer of their ſeveral counties, towards leſſening the county tax of the ſame reſpectively.

CHAP. LXXXIX. *An Act to alter the names of certain perſons therein mentioned.*

Private. WHEREAS application hath been made to the General Aſſembly, to alter the names of Marcus Barrow, Joel Barrow, Alpha Barrow and Lydia Barrow, illegitimate children of Marcus Stokes of Pitt county, to thoſe of Marcus Stokes, Joel Stokes, Alpha Stokes and Lydia Stokes. And that of William Hightower, of Buncombe county, to that of William Hightower Ragſdale. And thoſe of Joſiah Garner and Tobias Garner, natural born ſons of William Holleman, of Johnſton county, to thoſe of Joſiah Holleman and Tobias Holleman. And thoſe of Sterling Wood and Nathaniel Wood, illegitimate ſons of Edward Harriſs, of Orange county, to thoſe of Sterling Harriſs and Nathaniel Harriſs. And thoſe of Robert Clarke, Abel Clarke, Keſiah Clarke, Lydia Clarke, Lucretia Clarke and Tabitha Clarke, illegitimate ſons and daughters of Benjamin Taylor, of Brunſwick county, to thoſe of Robert Taylor, Abel Taylor, Keſiah Taylor, Lydia Taylor, Lucretia Taylor, and Tabitha Taylor. And Henry Perry, an illegitimate ſon of James Wood, of Orange county, to that of Henry Wood. And that of Thomas Hoſſer, of Randolph county, to that of Thomas Elliott. And that of John Debruits, ſon of Gabriel Debruits, of Cumberland county, to that of John Debruits Mont-

gomery. And that of Obadiah Randal, of Randolph county, to that of Obadiah Williams. And that of James Arnold, of Craven county, to that of James Cox. And that of James Smith and Nicholas Smith, ſons of Smith, now the wife of James Crandal, of Beaufort county, to that of James Crandal and Nicholas Crandal. And that of Redding Johnſton, of Johnſton county, to that of Redding Sauls. And that of Zachariah Foreman, the illegitimate ſon of John Eborne, of Hyde county, to that of Zachariah Eborne: 1794.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted the by authority of the ſame,* That from and after the paſſing of this act, that Marcus Barrow, Joel Barrow, Alpha Barrow and Lydia Barrow, ſhall be called and known by the name of Marcus Stokes, Joel Stokes, Alpha Stokes and Lydia Stokes; and William Hightower, by that of William Hightower Ragſdale; and Joſiah Garner and Tobias Garner, by the names of Joſiah and Tobias Holleman; and Sterling Wood and Nathaniel Wood, by the names of Sterling Harriſs and Nathaniel Harriſs; and Robert Clarke, Abel Clarke, Keſiah Clarke, Lydia Clarke, Lucretia Clarke and Tabitha Clarke, by the names of Robert Taylor, Abel Taylor, Keſiah Taylor, Lydia Taylor, Lucretia Taylor and Tabitha Taylor; and Henry Perry, by the name of Henry Wood; and Thomas Hoſſer, by that of Thomas Elliot; and John Debruits, by that of John Debruits Montgomery; and Obadiah Randal, by that of Obadiah Williams; and that of James Arnold by that of James Cox; and thoſe of James Smith and Nicholas Smith, by the names of James Crandal and Nicholas Crandal; and Redding Johnſton, by the name of Redding Sauls; and Zachariah Foreman, by the name of Zachariah Eborne: And by thoſe names ſhall have a right to inherit and claim any eſtate either real or perſonal which may be deviſed to them, or either of them: Alſo by the ſaid names they ſhall and may ſue and be ſued, plead and be impleaded in any court of law or equity; and they may by their reſpective names aforeſaid, ſell and diſpoſe of land or other property, already or hereafter to be acquired, either by will, deviſe, donation, grant, purchaſe or otherwiſe: And finally in all things the ſaid perſons reſpectively, ſhall be able and capable in law or equity, of negotiating and tranſacting all manner of buſineſs by their reſpective names herein before mentioned, in as full and ample a manner as if they had been called and known by no other names from the time of their nativity; any law, uſage or cuſtom to the contrary notwithſtanding.

II. *And be it further enacted,* That from and after the paſſing of this act, the reſpective county courts within this ſtate, ſhall have full power and authority to alter the name or names of any perſon or perſons on application; which ſhall be conſidered as good and valid in law, to all intents and purpoſes, as if the ſame were done by act of Aſſembly.

CHAP. XC. *An Act for erecting a town on the lands of John Campbell in Bertie county, on Chowan river.*

Private.

WHEREAS it is repreſented to this General Aſſembly that the land of John Campbell, known by the name of Lazy-Hill, in Bertie county, is a pleaſant healthy ſituation and conveniently ſituated for trade and commerce; and the ſaid John Campbell having ſignified his conſent and wiſh to have a town erected thereon:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That one hundred and ten half acre lots, with convenient ſtreets and lanes, and twenty-five acres of common, all to be laid off and arranged by the Commiſſioners herein after appointed, on ſuch part of the aforeſaid land as the ſaid John Campbell ſhall conſent to appropriate to that uſe, are hereby conſtituted and eſtabliſhed a town, and ſhall be called by the name of Colerain.

II. *And be it further enacted,* That James Campbell, Nathan Harrell, Willis Sawyer and James Wilſon, be and they are hereby conſtituted Commiſſioners for the ſaid town, and they are hereby veſted with an indefeaſible eſtate in fee ſimple, in the lands ſo to be laid off and arranged, to and for the uſes, intents and purpoſes hereby declared.

III. *And be it further enacted,* That as ſoon as the whole of the ſaid lots ſhall be ſubſcribed for, the ſaid Commiſſioners, or any three of them, ſhall appoint a time, and give public notice thereof, for the ſubſcribers to meet and determine the property of each particular lot: and the method of aſcertaining the right ſhall be by drawing lots therefor, under the directions and in the preſence of the ſaid Commiſſioners, and each ſubſcriber ſhall be entitled to the lot or lots which ſhall be drawn for to by him; and the ſaid Commiſſioners, or any three of them, ſhall make and execute deeds for conveying the lots in the ſaid town to the reſpective ſubſcribers for the ſame, their heirs and aſſigns forever, at

2, 1794. the proper coſt and charge of the grantee or grantees to whom the ſame ſhall be conveyed.

IV. *And be it further enacted*, That the reſpective ſubſcribers for lots in the ſaid town, ſhall after it is aſcertained to whom the ſaid lots do reſpectively belong in manner before mentioned, pay and ſatisfy to the ſaid John Campbell, ſuch ſum or ſums of money for each lot by him or them ſubſcribed for, as by the original ſubſcription paper they have or may contract to pay; and in caſe of the refuſal or neglect of any ſubſcriber to make ſuch payment and ſatisfaction, the ſaid John Campbell is hereby authorized to uſe any and every legal means by ſuit or warrant to compel payment thereof.

V. And for continuing the ſucceſſion of the ſaid Commiſſioners: *Be it further enacted*, That in caſe of the death, refuſal to act, or removal out of the ſtate, of any of the ſaid Commiſſioners, the remaining Commiſſioners are hereby empowered, by an inſtrument in writing under their hands and ſeals, to appoint another or others in the place of him or them ſo dying, refuſing to act or removing out of the ſtate: and any perſon ſo appointed, ſhall have all the powers of a Commiſſioner appointed in this act.

CHAP. XCI. *An Act to eſtabliſh a third battalion, and two ſeparate elections, in the county of Rutherford.*

Private. I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the companies of Captain Grant, Captain Young, Captain Carruth, Captain Mills, and Captain Dortan, ſhall be formed into a ſeparate and diſtinct battalion, by the name of the third battalion of the Rutherford militia; and ſhall hold their general muſters and courts-martial at the dwelling houſe of Thomas Waddleton, ſubject to the ſame rules and regulations as the other militia of this ſtate.

II. *And be it further enacted*, That the ſecond battalion of ſaid county ſhall hold an election for members of the General Aſſembly, on the Monday before the annual election at the court-houſe, at the plantation of John Magneſs, formerly Lacefield's, near the Graſſy-Branch; which ſaid election ſhall be opened and held by the Sheriff of the ſaid county, or his deputy, and conducted in all reſpects in the ſame manner, and under the ſame rules, regulations and reſtrictions as other annual elections are ſubject to.

III. *And be it further enacted*, That the third battalion ſhall hold an election for members of the General Aſſembly, at the houſe of Thomas Waddleton, on the Wedneſday before the annual election at the court-houſe, to be conducted by the Sheriff, or his deputy, in the ſame manner as the one authoriſed by this act to be held for the ſecond battalion.

IV. *And be it further enacted*, That the Sheriff, or his deputy, (as the caſe may be) ſhall at ſunſet on each of the days of ſaid elections hereby authoriſed to be held, cauſe the votes and ſcrolls to be duly and fairly counted out, at the ſame time keeping ſeparate and diſtinct polls as at other elections; two fair copies of which polls ſhall be made out by him and ſigned by the Inſpectors of ſaid election; one of which copies ſhall be kept by the Inſpectors as a check on the returning officer, and the other ſhall be returned by the Sheriff on the laſt day of the election to be held at the court-houſe, to be added to the votes which each of the candidates may there have; and the candidate or candidates having the greateſt number of votes after ſuch addition is made, ſhall by the Sheriff be declared to be duly elected.

V. *And be it further enacted*, That in caſe any perſon or perſons ſhall not have it in their power to attend at the election in the ſecond and third battalion, ſuch perſon or perſons ſhall nevertheleſs be entitled to give their ſuffrages at the election to be held at the court-houſe; provided ſuch perſon ſhall by his own corporal oath, which the the Sheriff is authoriſed to adminiſter, declare that he has not voted at either of the ſaid elections to be held in the ſecond and third battalions: And in caſe any perſon ſhall take ſuch oath, and be permitted to vote at the laſt election, after having previouſly voted at either of the other elections, ſuch perſon or perſons ſhall on ſufficient proof forfeit and pay the ſum of twenty pounds, to be recovered by action of debt before any juriſdiction having cognizance thereof, and be appropriated to the uſe of the county. *Provided nevertheleſs*, That this act ſhall not be ſo conſtrued as to permit any perſon to vote at any other election than that held in the battalion where he reſides, except as above preſcribed.

CHAP. XCII. *An Act to repeal part of an act, paſſed at Fayetteville, in one thouſand ſeven hundred and ninety-three, entitled, "An act to amend an act to facilitate the navigation of Haw and Deep Rivers.*

2, 1794.

Private.

1793, 33, 98.

WHEREAS the operation of the third clauſe of the ſaid act is found to be oppreſſive and unequal:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid third clauſe is hereby repealed and made void.

CHAP. XCIII. *An Act to emancipate a mulatto girl named Mary, the property of Michael Beam, deceaſed, late of Rowan county.*

Private.

WHEREAS by the laſt will and teſtament of Michael Beam, deceaſed, late of Rowan county, it is deviſed that a mulatto girl, named Mary, the property of the ſaid deceaſed, ſhould be emancipated:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That from and after the paſſing of this act, that the ſaid mulatto girl named Mary, the property of the ſaid deceaſed, be liberated and ſet free, and henceforward called and known by the name of Mary German; under which name ſhe ſhall alſo henceforward be entitled to all the privileges of a free perſon of mixed blood in this ſtate; and ſhall and may receive, hold, enjoy and poſſeſs all the real and perſonal property which ſhe has or may hereafter acquire by the laſt will and teſtament of the ſaid deceaſed, or which ſhe may hereafter lawfully acquire, in as full and ample a manner as if ſhe had been born free, any thing to the contrary notwithſtanding.

CHAP. XCIV. *An Act for extending the navigation of Peedee River from the the South-Carolina line, up to the mouth of Uharee River.*

Private.

WHEREAS extending the navigation of Peedee River, will be of great benefit to this ſtate:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Charles Hinſon, Joſeph Ingram, Elijah Hogan, John Speed, John Wall, James Pickett, jun. John Randal, John Lightfoot, and James Tindle, eſquires, be and they are hereby nominated, conſtituted and appointed Truſtees for clearing ſaid river, from the South-Carolina line up the ſame to the mouth of Uharee River: And they are hereby reſpectively authoriſed and empowered to take and receive ſubſcriptions for that purpoſe; and if any perſon or perſons ſhall neglect, fail or refuſe to pay the ſeveral ſums of money reſpectively ſubſcribed for that purpoſe by this act, it ſhall and may be lawful for the ſaid Truſtees reſpectively, or Undertaker, to ſue for and receive the ſame, in the name of the Truſtees, or Undertaker, for clearing the ſaid river whereof they are reſpectively appointed Truſtees, by warrant where the ſubſcription ſhall not exceed twenty pounds, and by action of debt if any larger ſum.

II. *And be it further enacted by the authority aforeſaid,* That the ſaid Truſtees reſpectively, or a majority of them, ſhall have full power and authority to contract and agree with any perſon or perſons, for clearing ſo much of the ſaid river as ſhall be within this ſtate below the mouth of the ſaid river Uharee, in ſuch manner as to the ſaid Truſtees ſhall ſeem moſt proper; and to remove all hedges, rocks or ſtops, which the ſaid Truſtees ſhall think may in any wiſe obſtruct the ſaid navigation.

III. *And be it further enacted,* That the ſaid Truſtees or a majority of them, from time to time, or as often as they ſhall ſee occaſion, ſhall and may nominate and appoint one or more of their number willing to undertake the ſame, to be receiver or receivers of all the monies that ſhall be ſubſcribed for the purpoſe of this act; who ſhall give bond with ſufficient ſecurity in a reaſonable penalty to the Governor for the time being, with a condition that he or they, his or their executors and adminiſtrators, at all times when required, ſhall and will truly and faithfully account with the ſaid Truſtees or Undertaker, for all monies which ſhall come to the hands of ſuch receiver or receivers for the purpoſe of this act, and pay the ſame to ſuch perſon or perſons as the ſaid Truſtees, or a majority of them who agree to act, ſhall order and direct.

IV. *And be it further enacted by the authority aforeſaid,* That no hedge, ſtone or other ſtop that in any wiſe obſtructs the navigation of the ſaid river, ſhall be placed or ſet therein under the penalty of

2, 1794. one hundred pounds, one half to the uſe of the informer, and the other half to the Commiſſioners aforeſaid, to be applied towards carrying this act into effect. And if there be any already erected that may obſtruct the navigation of the ſaid river, that the Commiſſioners or a majority of them, with the contractor, ſhall have power, and they are hereby authoriſed and empowered, to pull down the ſame; any law, uſage or cuſtom to the contrary notwithſtanding.

CHAP. XCV. *An Act for eſtabliſhing an academy in Murfreesborough, in Hertford county; and to incorporate the Fayetteville Library Society.*

Private. WHEREAS it is the ſpirit and policy of every well regulated government to promote and eſtabliſh ſeats of learning for the advancement and education of youth, and highly worthy the attention of every legiſlature: And whereas it is repreſented to this General Aſſembly, that Murfreeſborough in Hertford county, is an eligible ſituation for eſtabliſhing an academy:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That Hardy Murfree, James Henry Keys, Thomas Figures, Thomas Wynns, Godwin Cotten, Robert Montgomery, Thomas Fitt, James Maney, Lewis Meredith, John Maget, Benjamin Cokely and Jethro Darden, and their ſucceſſors, to be elected in manner and form as hereafter directed, be and they are hereby nominated and appointed a body politic and corporate, to be known and diſtinguiſhed by the name of the Truſtees of the Murfreeſborough academy, and by that name to receive all ſubſcriptions, gifts, grants, gratuities and donations of whatever kind, alſo all money or monies, or other property real or perſonal; and the ſame to hold in ſpecial confidence and truſt for the uſe and benefit of the ſaid academy, and agreeable to the intent and meaning of the benefactor or benefactors, and the ſaid Truſtees or a majority of them, and their ſucceſſors, ſhall have full power and authority in law, as to aſk for, demand and receive of each and every ſubſcriber, the reſpective ſum or ſums by them ſubſcribed as aforeſaid; and in caſe of refuſal or neglect to pay, to ſue for and recover the ſame, in the name of the Truſtees, before any juriſdiction having cognizance thereof; and the ſame when recovered, to lay out and apply to the benefit and advancement of ſaid academy, in ſuch manner as ſhall beſt appear to the ſaid Truſtees or a majority of them. And for the better ſecuring the application of any ſubſcription or ſubſcriptions, gift, grant, gratuity or donation, or of any other property real or perſonal whatever, to the uſe, benefit and behoof of the ſaid academy, agreeably to the intent and meaning of the donor or donors:

II. *Be it further enacted,* That the Truſtees herein before mentioned, ſhall previous to their entering on the execution of the truſt repoſed in them by this act, enter into bond of one thouſand pounds, payable to the Chairman of the county court and his ſucceſſors, conditioned for the faithful diſcharge of their truſt as aforeſaid; and ſhall be filed with the records of ſaid court: Which bond ſhall and may be put in ſuit againſt the aforeſaid Truſtees, and their ſucceſſors, by the name of the Truſtees of the Murfreeſborough academy, upon breach or neglect of their truſt aforeſaid, by any ſubſcriber or ſubſcribers, donor or donors, or their heirs, executors, adminiſtrators or aſſigns, in the name of the perſon or perſons to whom made payable, without any aſſignment thereon.

III. *And be it further enacted,* That the ſaid Truſtees, or a majority of them, ſhall meet annually on the third Monday of October in each and every year, or as often as the Preſident, who is hereby authoriſed and empowered to convene them, ſhall deem it neceſſary; and when met ſhall have full power and authority to appoint a maſter or maſters; and alſo to make and ordain ſuch rules and regulations (not inconſiſtent with law) for the well regulating the ſtudents in their morals and academical courſe as to them ſhall ſeem meet: And at all public examinations held at the diſcretion of the Truſtees, the ſaid Truſtees or a majority of them, ſhall have full power to grant ſuch certificate or certificates, ſigned by the Secretary and counterſigned by the Preſident, to ſuch ſtudent or ſtudents as in their reſpective claſſes ſhall be thought deſerving the ſame.

IV. *And be it further enacted,* That on the death, refuſal to act, reſignation or removal out of ſtate, of any of the Truſtees for the time being, it ſhall be lawful for the remaining Truſtees or a majority of them; and they are hereby authoriſed and required to elect or appoint one or more Truſtees, in the place of ſuch Truſtee or Truſtees dying, refuſing to act, reſigning or removing as aforeſaid.

V. *And be it further enacted,* That the ſaid Truſtees or a majority of them, ſhall have full power and authority to remove the Maſter or Maſters, the Treaſurer or any or them, if they ſhall think it

neceſſary; and on the death, reſignation, or refuſal to act of any of them, to provide others in their place.

VI. *And be it further enacted*, That the Truſtees appointed by this act, ſhall have full power and authority annually to appoint a Preſident, Treaſurer and Secretary; which Treaſurer, before entering upon his office, ſhall enter into bond of two thouſand pounds, to the Preſident for the time being and his ſucceſſors, for the faithful diſcharge of his office and the truſt repoſed in him; and at the expiration of his office ſhall account with and deliver into the hands of his ſucceſſor in office, all monies that may be in his hands belonging to the ſaid Truſtees; and on failure or neglect ſo to do, the ſame remedy ſhall and may be had againſt him, as againſt Sheriffs or other officers holding public monies.

VII. *And be it further enacted*, That the preſent members of the Fayetteville Library Society, and all perſons who may hereafter be admitted into the ſame be, and are hereby conſtituted, a body corporate by the name of the Fayetteville Library Society; and by that name ſhall have ſucceſſion, ſue and be ſued, and may purchaſe and convey property, and make bye-laws and regulations in all matters relating to the objects of their aſſociation, provided the ſame are not inconſiſtent with the laws and conſtitution of this ſtate.

CHAP. XCVI. *An Act to eſtabliſh a town at the confluence of the Yadkin and Uharee rivers, in the county of Montgomery.*

WHEREAS the ſituation at the confluence of the Yadkin and Uharee rivers, is healthy and convenient for trade, and the eſtabliſhment of a town thereon, would tend to the advantage of commerce, and the county in general: Private.

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, and as ſoon as the proprietor of the land at the confluence of the Yadkin and Uharee rivers makes a deed in fee-ſimple to the Commiſſioners appointed by this act, for fifty acres of ſaid land, the ſame is hereby eſtabliſhed a town, by the name of Henderſon.

II. *Be it further enacted*, That George Davidſon, Cary Pritchard, Roland Harris, James Tindel and Thomas Chiles, be and they are hereby appointed Commiſſioners and Truſtees for carrying on and regulating ſaid town of Henderſon. And they ſhall ſtand ſeized (whenever the ſaid deed is executed) of an indefeaſible eſtate in fee-ſimple in the fifty acres of land aforeſaid, to and for the uſes, intents and purpoſes hereby declared. And the ſaid Commiſſioners, or a majority of them, (which majority is hereby declared to be a quorum to tranſact buſineſs upon all occaſions whatever) ſhall have full power and authority, and they are hereby required, to meet as often as to them it may ſeem neceſſary and convenient, to make ſuch rules, regulations and reſtrictions for the good government of ſaid town, and proſperity of the ſame, as they may deem proper and neceſſary: Which rules, regulations and reſtrictions ſhall be binding to all intents and purpoſes upon the inhabitants therein, as if they were particularly mentioned in this act.

III. *And be it further enacted*, That the ſaid Commiſſioners or a majority as aforeſaid, may divide the ſaid land into ſuch lots as they think proper, and diſpoſe of the ſame accordingly: And the monies ariſing therefrom may be collected (in caſe of refuſal or neglect of the perſon ſo purchaſing to pay) by ſuit or ſuits in their names aforeſaid, and by them applied as to them may ſeem moſt convenient. And in caſe of death, removal or refuſal to act of any of the ſaid Commiſſioners, the majority of thoſe remaining ſhall have full power and authority to appoint another or others in his or their ſtead ſo dying, removing or refuſing to act as aforeſaid: Which Commiſſioner or Commiſſioners when appointed, ſhall have and poſſeſs all the powers and privileges as if they had been mentioned in this act.

CHAP. XCVII. *An Act granting to that part of Hyde county, weſt of Pungo-River, a ſeparate election.*

WHEREAS it is repreſented to this General Aſſembly by petition, that the peculiar ſituation of the inhabitants weſt of Pungo-river, to get to the court-houſe to give their ſuffrages for Members to repreſent them in the Congreſs of the United States, and in the General Aſſembly of this ſtate, is found very inconvenient: For remedy whereof Private.

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the au-*

2, 1794. *thority of the ſame,* That from and after the paſſing of this act, it ſhall and may be lawful for the Sheriff or other lawful officer of ſaid county, and he or either of them are hereby authorized and required to hold elections on the Tueſday preceding the general elections for Members of Congreſs, and annual elections for Members of the General Aſſembly, on Tueſday preceding the ſecond Thurſday and Friday in Auguſt, at the plantation of Jacob Darden, whereon he now reſides on Rantego-creek, for the convenience of the voters reſiding on the weſt ſide of ſaid river; and the ballots ſo taken ſhall be ſealed up by the officer holding ſaid elections, in preſence of the Inſpectors, and ſuch of the Candidates as chooſe to attend; which boxes ſhall be tranſmitted by them to the court-houſe, under the care of the officer who held the ſaid election; and at the cloſe of the election at ſaid court-houſe, the ſeals ſhall be taken off the boxes in preſence of the Inſpectors, and the ballots ſhall be counted out, and the ſaid ballots ſhall and they are hereby declared to be part of the election of the ſaid county.

II. *And be it further enacted,* That on the ſecond Thurſday and Friday in February, biennially for Members of Congreſs, and annually on the ſecond Thurſdays and Fridays in Auguſt for Members of the General Aſſembly, the poll ſhall be opened at the court-houſe in Germain-Town, and the election held for ſuch voters who did not vote at the ſeparate election; and the ſaid elections reſpectively ſhall be conducted in every reſpect agreeable to an act of the General Aſſembly for holding the annual elections of this ſtate. *Provided always,* That no perſon or perſons reſiding on the weſt ſide of Pungo-river, and that part of the county called Mattamuſkeet, ſhall be entitled to vote at the election held at the court-houſe, unleſs he or they make oath that he has not voted before at either of the elections held at the aforeſaid places.

CHAP. XCVIII. *An Act for the relief of the executor or executors of William Roberts, late of Chowan county.*

Private. WHEREAS it is repreſented to the General Aſſembly, that William Roberts, the late Sheriff of Chowan county, hath indulged many of his fellow-citizens in giving them longer time for the payment of their taxes; and that conſiderable ſums remain due and unpaid to him for taxes for the years one thouſand ſeven hundred and ninety, ninety-one, ninety-two and ninety-three, although he hath fully ſettled and paid into the treaſury the whole ſums which had become due, and ſhould have been paid to him:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the executor or executors of the laſt will and teſtament of William Roberts, late Sheriff of Chowan county, ſhall be and they are hereby authorized to collect all the arrears of taxes for the years one thouſand ſeven hundred and ninety, ninety-one, ninety-two and ninety-three, that ſhould have been paid and remain due to the ſaid Sheriff. And they the ſaid executors are hereby authorized and empowered to take ſuch means and uſe every ſuch proceſs towards the recovery of ſuch arrears of taxes as the ſaid teſtator might legally have taken or uſed had he been alive and continued in office. *Provided nevertheleſs,* That nothing in this act ſhall be conſtrued ſo as to affect any perſon that will make oath, that they have paid the ſaid tax or taxes; or be conſtrued ſo as to affect the eſtate of any deceaſed perſon.

CHAP. XCIX. *An Act to authoriſe George Keiſer of the county of Cabarrus, to extend a mill-dam acroſs Rocky-River.*

Private. WHEREAS it is repreſented to this General Aſſembly by petition, that permitting George Keiſer to extend a mill-dam acroſs Rocky-river, would be attended with great advantage to the inhabitants of that county:

I. *Be it therefore enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame,* That the ſaid George Keiſer, his heirs or aſſigns, ſhall have full power and authority to extend the dam already erected acroſs the ſaid river to the oppoſite bank. *Proviaed,* The ſaid George Keiſer doth erect a ſlope of ſuch conſtruction and form as ſhall afford a free and eaſy paſſage to fiſh; and ſuch ſlope to be kept open from the twenty-fifth day of February, to the tenth day of May in each and every year ſucceſſively.

II. *And be it further enacted,* That if any preſentment or complaint ſhall be made to the county

court, that ſuch ſlope does not afford a free paſſage to fiſh as aforeſaid, then ſaid court is hereby directed and required to appoint three freeholders, being diſintereſted men, and reſiding in the county, to inſpect and examine ſaid ſlope; and if the freeholders aforeſaid upon examination and inſpection, are of opinion that ſaid ſlope does not afford a free paſſage for fiſh; then on notice given to ſaid Keiſer of their opinion aforeſaid, if he ſhall for ten days thereafter continue ſaid ſlope, and fail to open a gap in the bottom of ſaid dam, of twenty feet in breadth, in the middle of ſaid river; upon ſuch failure or neglect he ſhall forfeit and pay the ſum of one hundred pounds, to be recovered by action of debt, by him or them that ſhall ſue for the ſame, the one half to the informer, and the other half to be applied to the uſe of the county. 2, 1794.

CHAP. C. *An Act to empower the county courts therein mentioned, to lay a tax for the purpoſe of deſtroying wolves and bears in ſaid counties.*

I. BE *it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That the county courts of Richmond, Robeſon, Bladen and Cumberland, are hereby authoriſed and empowered to lay a tax annually, to be collected in a ſum not exceeding ſix pence on every poll, and two pence on every hundred acres of land, to be appropriated to the purpoſe of deſtroying wolves and bears in ſaid counties. Private.

II. *And be it further enacted by the authority aforeſaid*, That every perſon who ſhall kill a wolf or bear within the limits of any of the aforeſaid counties, ſhall be entitled to receive the ſum of two pounds for every grown wolf or bear, and the ſum of one pound for every wolf or bear under ſix months old. *Provided always*, That before any perſon ſhall be entitled to receive the bounty hereby granted, ſuch perſon or perſons ſhall produce to ſome Juſtice of the Peace for the county in which ſuch wolf or bear ſhall be killed, the ſcalp of ſuch wolf or bear by him killed, and make oath that ſuch wolf or bear was caught and killed within the limits of ſuch county; and every Juſtice of the Peace before whom ſuch proof is made, is hereby required to deſtroy all ſuch ſcalps before him produced, and to give the perſon ſo producing, a certificate ſetting forth the number of ſcalps, of what deſcription, and what ſum ſuch perſon is entitled to; which ſum ſhall be paid by the county Treaſurer of the county, and ſuch certificate ſhall be a ſufficient voucher in the ſettlement of his accounts with the court. *Provided nevertheleſs*, That no part of the tax herein before directed to be aſſeſſed, ſhall be appropriated in the county of Robeſon to the purpoſe of deſtroying bears.

CHAP. CI. *An Act to ſecure to Abigail Rice, wife of John Rice, ſuch eſtate as ſhe may hereafter acquire.*

Private.

WHEREAS it is repreſented to this General Aſſembly, that John Rice hath for ſeveral years paſt, abſented himſelf from his wife Abigail, and attached himſelf to another woman; and having it in his power to deprive his ſaid wife Abigail, of ſuch eſtate as ſhe may by her induſtry or otherwiſe obtain:

I. *Be it enacted by the General Aſſembly of the ſtate of North-Carolina, and it is hereby enacted by the authority of the ſame*, That from and after the paſſing of this act, the ſaid Abigail Rice ſhall be entitled to enjoy and poſſeſs in her ſole right, all eſtate either real or perſonal, which ſhe may hereafter acquire by purchaſe or deſcent, in as full and ample a manner as if ſhe the ſaid Abigail had never been married to the ſaid John; clear from the claim or claims of the ſaid John her huſband, or any creditor or creditors of the ſaid John; and the ſaid Abigail ſhall and may have full power and authority to ſue for and recover in any court having cognizance thereof, from the ſaid John or any other perſon or perſons, any property or eſtate which ſhe may be entitled to, in the ſame manner as if ſhe the ſaid Abigail had never been married to the ſaid John; any law, uſage or cuſtom to the contrary notwithſtanding.

II. *And be it further enacted by the authority aforeſaid*, That from and after the paſſing of this act, the ſaid John Rice ſhall not be anſwerable for any debt contracted by the ſaid Abigail Rice; any law to the contrary notwithſtanding.

Read three times and ratified in General Aſſembly, the 7th day of February, 1795.

WILLIAM LENOIR, *S. S.*
TIMOTHY BLOODWORTH, *S. H. C.*

Copy. J. GLASGOW, *Secretary.*

An Act to amend the act, entitled, "An act for cutting a navigable Canal from the waters of Elizabeth river in this state, to the waters of Pasquotank river in the state of North-Carolina."

Virginia. Nov. 25, 1790.

Referred to by 1792, 28, 57.

I. BE *it enacted by the General Assembly of Virginia*, That the books directed to be opened for receiving and entering subscriptions in the towns of Norfolk, Portsmouth, Suffolk, Petersburg, Richmond, Fredericksburgh and Alexandria, by the act, entitled, '*An act for cutting a navigable Canal from the waters of Elizabeth river in this state to the waters of Pasquotank river in the state of North-Carolina*,' shall be opened for receiving subscriptions at the said places, and under the management of the persons mentioned in the said recited act; and in the city of Williamsburg, under the management of Robert Andrews, in the month of May next after the time when this act shall be in force, and continue open until the first day of September following; and on the third Thursday of the said month of September, there shall be a general meeting of the subscribers at the town of Halifax, in the state of North-Carolina; of which meeting notice shall be given by the said managers, or any three of them, in the Gazettes of both the aforesaid states, at least one month next before the said meeting; and such meeting shall and may be continued and the business of it conducted in the manner prescribed for the meeting appointed by the said recited act.

II. *And it is hereby declared and enacted*, That the tolls allowed to be demanded and received by the before recited act, are granted and shall be paid on condition only that the said Dismal Swamp Company shall make the canal and locks of sufficient width for vessels that are fifteen feet broad, and of sufficient depth to be navigated in any seasons, by vessels drawing three feet water, from Deep-Creek near Tucker's mill in Virginia, to the highest good navigation for vessels of the aforesaid draft in Pasquotank river in North-Carolina; and that each of the locks shall be ninety feet in length, and the causeways fifteen feet in breadth.

21 JY 60

III. *And be it further enacted*, That every act or part of an act of Assembly which comes within the purview and meaning of this act, and every part of the before recited act concerning the regulation of commerce, so far as is now vested in the government of the United States, shall be and the same, are hereby repealed.

IV. And so soon as any act similar to the before recited act as amended by this act, shall have been passed by the state of North-Carolina, the before recited act as amended by this act shall be in force and shall never be repealed or altered by the legislature of this state, without the consent of the state of North-Carolina.

Extract of an act entitled, 'An Act to regulate the Pilotage of Cape-Fear and Occacock bars, and the rivers leading from the same to Brunswick, Wilmington, Newbern, Bath, and Edenton.'

2, 1777. C. XVIII.

Referred to by 1791, 31, 20.

VII. AND *be it enacted by the authority aforesaid*, That when any ship or vessel, bound to any of the ports of this state, shall have the small pox, or any other infectious distemper on board, the master and pilot of such ship or vessel shall give immediate information thereof to the Commissioners of Navigation of the port they are bound to; and the said Commissioners, or any three of them, are hereby empowered and directed to order and command the said master of such ship or vessel to perform quarentine with his said ship or vessel, at such place, and number of days, as they shall think necessary; and if the said pilot or master shall neglect or refuse to give such information, they shall forfeit and pay for every such neglect, the sum of five hundred pounds; to be recovered in any court of record in this state, one half to the informer, and the other to the Commissioners, to be by them applied as hereafter appointed.

CHAP. XX. *Extract of An Act, for dividing the Parish of St. Patrick, in the county of Johnston, into two distinct Parishes.*

1756.

Referred to by 1792, 32, 59.

II. BE *it therefore enacted, by the Governor, Council, and Assembly, and by the authority of the same*, That from and after the passing of this act, the said Parish of St. Patrick shall be divided as follows, *to wit*, Beginning at Boykins's Ford, on Great-Coharnie Creek, and running a direct line to the mouth of Mill-Creek, on Neuse River, and from thence a straight line to the Head of Cohera, near Anthony Cocks's; and that all that part of the said Parish of St. Patrick, as it now stands entire and undivided, which lies to the eastward of the aforesaid bounds, shall retain the name of St. Patrick, and be one distinct Parish: And that all that part of the said Parish which lies to the westward of the said bounds, shall be one other distinct Parish, and be called by the name of St. Stephen.

TABLE,

PUBLIC MATTERS.

ADMINISTRATORS.

THE greateſt creditor, in the ſtate, entitled to adminiſtration, in excluſion of a greater foreign creditor, 45
Adminiſtration bonds made payable to the chairman of the court, and may be ſued by the party injured, without aſſignment, 6
Former bonds may be put in ſuit, in the ſame manner, 6
See *Executors and Adminiſtrators*.

ATTORNEY AND SOLICITOR-GENERAL.

To proſecute for crimes and frauds committed on public offices, 8
See *Confiſcated property, Eſcape*.

ATTACHMENT.

How a garniſhee may exonerate himſelf, 90
Proceedings where he denies having any property, *id.*
Where another perſon claims the property, 91
Where an attachment, being returned before a Juſtice, may be ſent up to the county court, *id.*
Proceedings againſt garniſhee of ſpecific articles, 91 144
Where the property levied upon belongs to a perſon reſiding in another diſtrict, 91
Bail, in replevin, only liable to the amount of the property, *id.*
See *Juſtices of the Peace*.

BOUNTIES.

On certain manufactures, 134

CERTIFICATES.

To be regiſtered, 142
Perſons owing any to the ſtate, how to pay, 11

COMPTROLLER.

To give bond; to ſettle all public accounts; to open an account with the treaſurer and individuals; how elected; his official received in evidence, 51 52
How to raiſe, keep and ſtate public accounts, 95
Not to iſſue certificates for ſervices againſt the Chickamaugas, 147
See *Continental Line*.

CONFISCATED PROPERTY.

Purchaſers of it, ſued, to be be aſſiſted by the Attorney or Solicitor-General, 10
Suits for it, where brought, *id.*
Perſons evicted of it to receive certificates, 11

CONSTABLE.

May levy executions on real eſtate of deceaſed perſons, 16
Suable, in an action on the caſe, or on his bond, without an aſſignment, 87
To renew his bond from time to time; in caſe of failure another perſon may be appointed in his ſtead, *id.*
Failing to pay money, remedy againſt, 88

CONTAGIOUS DISORDERS.

Commiſſioners of navigation to appoint places for quarantine, 82
Maſter and pilot of an infected veſſel to anchor there and give notice under a penalty, *id.*
Commiſſioners' orders; penalty; captain, veſſel and cargo, liable; penalty of ſeamen or paſſengers leaving ſuch veſſel, contrary to the Commiſſioners' orders; ſuch perſons to be apprehended. Penalty of other perſons going on board; for landing goods contrary to orders, *id.*
Maſter to give a ſtate of the crew's health: veſſel ſupplied with proviſions; fines how recovered, 83
See *Newbern*.

CONTINENTAL LINE.

Agent to make a liſt of the accounts ſettled at Halifax; at Newbern and elſewhere, and of final ſettlements; Comptroller to get it printed and tranſmitted to the ſeveral county courts; there to be kept of record and received in evidence, 43 44

COUNSELLORS OF STATE.

Accepting, diſabled from taking a ſeat in the legiſlature, 16
To be called at Raleigh, unleſs in caſe of contagion, &c. 133

COUNTY COURT.

To appoint inſpections where they ſee fit, 89
To order elections of Wardens of the Poor, 92
To take poſſeſſion of entry-books, 111
Penalty of perſons withholding them, *id.*
To have power to remit forfeited recognizances, 47
alter names, 175
Clerks not to be appointed unleſs a majority of the Juſtices be preſent, 144
To number all the claims againſt the county, and furniſh the Chairman with a liſt; allowance therefore, and penalty for neglect, 89
To apply to the Clerk of the ſuperior court for the copies of the acts; allowance therefore, 90
May be ſued by the party injured in an action on the caſe, or upon his bond, without aſſignment; to renew his bond from time to time, otherwiſe another Clerk to be appointed, 87
Commiſſion allowed him on tax fees and fines; penalty for not making return, 2
Truſtee to ſettle annually under a penalty, 43
Mode of his ſettlement, 89
See *Counties*.

DISABLED PERSONS.

Their widows and orphans how relieved, 81

ELECTION.

See General Aſſembly, United States.

EQUITY.

The three laſt days of each term to be devoted to, 46
Clerk and Maſter's commiſſions on fines and tax fees, 2
Penalty for not making return of them, 3
May be ſued in an action by a party injured, on the caſe or on his bond without aſſignment; to renew his bond from time to time, otherwiſe another Clerk to be appointed, 87
Allowed by the court for his reports, not exceeding £. 25. 92
See *Injunctions*.

ESCAPE.

Of felons, how puniſhed; Attorney-General, or Solicitor General to proſecute; Sheriff indicted for it to ſhew there was no wilful neglect in him, 8

EXECUTION.

Proceedings when property is conveyed away, in order to defeat it, 91

EXECUTORS AND ADMINISTRATORS.

To file a deſcriptive liſt of property delivered to legatees, 15
When and how to ſell deceaſed perſons eſtates, 140
Part of an act requiring them to ſet up a copy of the inventory with the advertiſement of ſale, repealed, 92
Executor not diſcharged of debts due to his teſtator, 114

FAIRS.

Majority of Juſtices may eſtabliſh them; regulations, &c. 143 144

GENERAL ASSEMBLY.

When to meet; to appoint a Governor and other public officers, at each annual meeting, 132
Receiver of public money, not having accounted and paid, ineligible to a ſeat in the General Aſſembly; penalty for offering, 85
Penalty for attempting to deſtroy an election by force, 85
See *Counſellors of State.*

GOVERNOR.

To reſide at Raleigh part of the year; to make the time known by advertiſement in the Gazettes, 133
To iſſue a proclamation reſpecting bounties, 134
See *South Carolina.*

GREAT SEAL.

To remain with the Governor, not in Secretary's-office, 143
The new one approved 95, the old one to be uſed in certain caſes, 8
Impreſſions of it allowed, 143

GUARDIANS.

At what time to hire or ſell their ward's property, and how to adverti ſe in, 135

HOSPITAL MONEY.

Perſons exempt from paying it, 47
See *Wilmington.*

INJUNCTIONS.

Againſt the ſtate, granting of, reſtricted; to be returned to Hillſborough diſtrict, 42

INSOLVENT DEBTORS'.

Property acquired after taking the oath, liable to their debts, 84

INSPECTORS.

To hold their office during good behaviour, 9
Suable in an action on the caſe by a party injured, or on their bond without an aſſignment, to renew their bond from time, otherwiſe another Inſpector appointed, 87
Contents and gauge of barrels of ſalted beef and pork, 12 13
Barrel of flour how much to contain; to be nailed; penalty for adulterating; Inſpectors' fees, what, and by whom paid, 9
Tobacco not paſſing at the inſpection, may be left in the ware-houſe for ſix months, and then reinſpected, 145
Tobacco unfit for exportation to be burnt, 145
See *Counties.*

IREDELL'S REVISAL.

Confirmed; laws therein mentioned, in force or repealed declared ſo, thoſe ſaid to be doubtful ſuſpended, 1

JUSTICES OF THE PEACE.

Not qualifying within one year from their appointment, or removing out of the county, to vacate their appointment, 85
Not to vote, when candidates for the office of Sheriff, Ranger, County Truſtee or Regiſter; penalty for ſo doing, 85 143
Power to order a white perſon to be whipped, taken away, 90
To be claſſed; duty of each claſs, 88
To have cognizance out of court of cauſes of £. 20 or under, 135
Appeal; ſtay of execution; officers' duty in executing warrants; perſons warranted to give bail or be committed; time and notice of trial, 136
Bail, how taken, and to be proceeded againſt; may ſurrender principal, 137
Warrant, when returnable, 137
Attachment when to iſſue; previous requiſites; proceedings; garniſhee; property attached, claimed; diſputed garniſhment; replevin; periſhable goods ſold; ſpecific property in the hands of garniſhee; ſtay on attachment; bail on replevin only liable to the amount of the property; Juſtices to advertiſe, when the owner of the property attached is out of the county, 138
Security on appeal; coſts; appeal returned to court; ſubpœna to iſſue, 139
Execution how to iſſue and be returned; proceedings when the defendant removes out of the county, 139 140
Witneſſes ſubpœnaed to attend under a penalty; Officers' fees, 140

LANDS.

Title to lands quieted; claim of the ſtate limitted, 10
Lands, on the eaſt ſide of the ceded territory, ſurveyed in a body 144
Duty of the Secretary of ſtate in iſſuing grants; warrant, not to be removed out of the county; warrants for land in Arinſtrong's office, how iſſued, 142
Entry-taker to give bond; when removed to give up books, &c. under a penalty; plats of lands ſurrendered to be filed: to return a liſt of all his entries; entries not to be withdrawn, 94
To receive only his fees; entry money to be paid to the Treaſurer, 142
Action on the caſe or ſuit on his bond without aſſignment may be brought againſt him, by the party injured, 87
Surveyor's oath when there is a deficiency of land to ſupply a warrant, or where prior entries exclude it wholly, 13
Claimant, how to recover his certificates from the Entry-taker or Treaſurer, 13
When returns have been made to the Comptroller, 13 14
Penalty of Surveyor, for making falſe certificates or depoſitions, 14
Lands deſtrainable for taxes; purchaſers liable for arrearages, 43
Proceſſioning. Counties divided into diſtricts; court to appoint Proceſſioners; and fill vacancies; their oaths; notice to be given of the time of proceſſioning; certificate to be made by Proceſſioners and returned to the Clerk, who muſt file it; Proceſſioner's and Clerk's fees, 46

MAIMING AND WOUNDING.

Penalty for malicious wounding, 6

MARRIAGE SETTLEMENTS.

And other marriage contracts to be recorded in a certain time, 11

MILITIA.

Arranged into brigades and diviſions, 81
Officers to be appointed by the General Aſſembly; their power as to the diviſion of the regiments and the appointment of places of muſter, 81
Adjutant-Generals' duty and pay; penalties for negligence, 81 122 125
Regiments to be numbered; battalions how compoſed, 81
Cavalry men not equipped, to be returned to the infantry; proviſo, 8
Muſter; fines; excuſes, 81 121 124
Officers to make returns, 81
Militia, how compoſed, armed and equipped; muſkets' bore in 1797; arms not ſeizable, 120 121
Officers, how to rank; to reſide in the diſtrict; militia how divided and officered; proviſo; grenadiers, rifleinen, artillery and horſe how officered and equipped, 121
Privileges of certain corps preſerved, 122
Colors, how provided, *id.*
Rules of diſcipline; books provided for the officers, *id.*
Brigade Inſpectors' duty and penalties for negligence. *id.*
Regimental and battalion muſters, when and where held; Brigadier General or commanding officer to order them, 124
Miſbehaviour of officers, non commiſſioned officers and privates; Major-General and Brigadier-General, how tried; court martial how compoſed; its province; oaths of its members; Judge Advocate, 124 126
Puniſhments, when capital. Officer may be caſhiered, *id.*
Returns when and by whom made, *id.*
Perſons unable to provide themſelves with arms, ſupplied, *id.*
Militia raiſed in caſe of inſurrection, *id.*
Horſe and artillery exemptions, *id.*
Freedom of arreſt; free paſſage over toll bridges and ferries; ferryman's penalties, *id.*
Artillery, Major and Brigadier-General, reviews, 127
Fines; pay, *id.*

NAVAL-OFFICERS.

Act reſpecting part of their duty, repealed, 89

OATH.

Taken by members of Assembly and public officers; oath to support the constitution, 7
Sheriff to publish the members' oath at each election, *id.*

ORDINARY KEEPER.

Not to credit liquors for above 5l. unless the party signs a book, 146

PERJURY AND SUBORNATION OF PERJURY.

Punishment of it; what things sufficient in the indictment; offender how brought to trial, 5

PHYSICIANS.

To make out their bills in plain English words, 6

PILOTAGE.

Rates of it; Branch Pilots boarding a vessel to be paid, whether employed or not, 145

See *Cape-Fear, Miscellanies.*

PISTOLS, POWDER.

See *Bounties.*

REGISTER.

May be sued on his bond, without assignment, or in an action on the case by the party injured; to renew his bond, at certain times or another may be appointed in his stead, 88
Times of registering deeds extended, 133

REVENUE.

Collectors of arrears to be appointed: to give bond with security; their duty and pay, 86
Execution against debtors of the public and their securities how to issue; Collectors how to proceed; Clerks to furnish them with copies of records; Collectors' fees to be levied; may execute writs of execution on failure of Sheriffs; how to be punished if guilty of mal practice, 87
Public debtors may pay in certificates; proviso; judgment against delinquent officers taken without notice, 87

SECRETARY OF STATE.

Manner of inforcing payment of his fees on patents, repealed, 11

SERVANTS AND SLAVES.

No slave or indented servant of color to be imported; penalty of buyer, seller or hirer of such, 129
Justices, Sheriffs, Coroners and Constables, to assist in preventing such importation, under a penalty, *id*
Exceptions as to persons removing into or travelling through the state, or receiving such slaves or servants by marriage, gift, legacy, or devise, 130
Slaves not to hire themselves; proceedings against those that do, None to permit negroes to meet for dancing or drinking in his house, under a penalty, *id*
Patrollers to be appointed; their duty; compensations and penalties, 131
Appropriation of former fines, *id.*
Owners not compelled to pay for taking up their negroes without a pass, *id.*
None to harbor or trade with slaves. Slaves offering forged passes punished, 3
Penalty for enticing or carrying away slaves, 4
The killing of a slave, when murder, 4
Master of vessel carrying away a citizen's slave guilty of felony 44 45
Bill of sale of a slave time to register 11
Bona fide sale confirmed; proof of title to a slave how made 45
Trial by jury extended to slaves in certain cases 84 135
Owner to have notice of trial, and to pay costs in certain cases 84
When the owner is unknown slave to have counsel. Counsel's fee *id*
Special court for trial of slaves in certain cases, in others, trial in the county court *id.*

SHERIFF.

Not entitled to sell deceased persons' estates, but when a creditor administers. 92
See *Taxes, General Assembly, Superior Courts, Escape, United States.*

SOUTH-CAROLINA.

Commissioners to extend the boundary line with South-Carolina; their allowance; Governor to fill vacancies; to inform the Governor of S. C. 12

STANDARD KEEPER.

His fees altered, 95

SUPERIOR COURT.

What suits may not be brought therein, 93
In the absence of the Judges, the Sheriff may adjourn, 53
Clerks' commission on tax fees and fines; penalty for not making returns; Clerk may be sued by the party injured in an action on the case, or on his bond without assignment, bond renewed, 2 88

SWORDS.

See *Bounties.*

TAXES.

Sheriff to collect taxes; his allowance; mode of collections; tavern keepers; individuals not on the list; oath or settlement; assessors of town property, 1, 43

TREASURER.

To give duplicate receipts in all cases, one of which to be filed with the Comptroller. 52

UNITED STATES.

Penalty of officers of this state, acting as officers of the United States, 47
Senators and Representatives' seat as a Justice of the Peace, not vacated, 94
The state divided into districts for the election of the President and Vice-President of the United States; electors how chosen, when and where to vote, 49
Proceedings when both the offices of President and Vice-President are vacant, *id.*
Allowance and penalties of electors and Sheriffs, *id.*
The state divided into districts for the election of Representatives, time, place, and mode of election; duty and allowance of Sheriff; Representative to obtain a certificate, 50
Land ceded to the U S. 120 133
Constitution of the U. S. amendment to, ratified, 132

UNIVERSITY.

Real estate of deceased persons in their hands, how proceeded against, 15
President and Trustees liable like heirs, 16
Part of an act directing their money to be lodged in the state treasury, repealed, 88
Confiscated property unsold or mortgaged vested in them, 130
President and Trustees to keep an account of the proceeds of confiscated property, appropriation of it, 130 131
No gaming table to be kept, within five miles 148

WARDENS OF THE POOR.

Failing to publish their accounts to be prosecuted; to lay a tax annually; application of it, to erect necessary buildings, 43 92
See *County Court*

WIDOWS.

Power of a jury setting off a widow's dower, (when she dissents from her husband's will—) and personal property, 14 15
Her dower lands, not chargeable with her husband's debts, *id.*

TABLE OF PRIVATE MATTERS.

Canals, Roads and Causeways.

Adams' creek canal, 30. Clubfoot creek do. 56. Dismal swamp road, 65 168. Pasquotank canal, 57. Wilmington cause way, 87.

Counties.

Anson, jail removed to Wadesborough, 165. Beaufort, separate elections and musters, 63, freeholders' titles secured, 108. Bertie, poor house, 21, county court, 99. Bladen, fairs, 111, vermin, 181. Buncombe, public buildings, 59, surveyor to survey entries made before the division, 73, part of Rutherford added to it, 146. Brunswick, time of election, 38. Burke, part of it and of Rutherford erected into a new county; jurors, 31 59, county court, 32 41 152, part of it added to Iredell, 97, Entry-Taker's book to be transcribed, 162. Cabarrus erected, part of Salisbury district; Jurors, 54, part of Mecklenberg added to it, 146, tax, 149, Jurors, 155, electors of the President, 155, entitled to part of Mecklenberg tax, 156, public buildings, 163. Cambden county court, 77. Carteret, separate elections, 36 118, vermin, 64 161. Caswell divided, 32, court-house in Leasburg sold, 40, county court, 71, Cumberland, part of Robeson added to, 24, vermin, 181. Currituck, separate elections and musters, 19 66 110, 118, county court, 36, lands adjacent to the court-house sold, 110 Dobbs, divided, 28 Edgcombe, part of Martin added to, 97. Franklin, poor house; part of an act repealed, 117. Glasgow, erected, in Newbern district, jurors, 28, county court, 29 60 149, part of it added to Wayne, 96, public buildings, 170. Guilford, mill dams, 153. Halifax, separate places of muster, 147. Hertford, free ferries, 77. Hyde, separate general musters, 37, public buildings, 75, free holders' titles quieted, 156, land adjacent to the court house sold, 110. Johnston, county line, 59, tax, 115, public buildings, 173. Iredell, part of Burke and Wilkes added to, 97. Leroir erected, county court; jurors, 28, public buildings, 170. Lincoln, fairs, 116, militia divided, 150, county line, 152, mill-dams, 153. Martin, inspection, 33, part of Edgcombe, 97, poor house, 154. Moor, fairs, 79. Mecklenberg, county divided, 53 163, fairs, 116, part of it added to Cabarrus, 146, separate election; 152, mill-dams, 153, jurors, 155. Montgomery, county court; public buildings, 37 70 164. New-Hanover, county court, 34 162, place for a separate election altered, 161, vermin, *id.* Entry-Taker's books to be transcribed, 162, freeholders' titles, 108, tax, 173. Orange, militia divided, 115 but this repealed, 150, Entry-Taker's books to be transcribed, 162. Onslow, freholders' titles, 151. Person, erected court-house; Jurors, 32 33, court house at Leasburg to be sold, 40, county court, 96, public ground sold, 116, 151, jurors, 151. Perquimans, freeholders' titles, 108. Pasquotank, separate election and muster, 112. Randolph, public buildings, 76 77, court-house, 96, county court, 160. Richmond, fairs, 79 162, vermin, 181. Rockingham, inspection, 107 mill-dams, 153. Rowan, militia, 65, mill-dams, 153 Robeson, part of added to Cumberland, 24, county court, 77, vermin, 181. Rutherford, part of it and of Burke erected into a new county; jurors, 31 32 59 public buildings; specific tax, 75, part of it added to Buncombe 146, mill dams, 153, battalion of militia, separate election, 176 Surry, part of Wilkes added, 64, inspection, 117, fairs, 111, tax. 148 Stokes, vermin, 58, inspection, 113, public buildings, 156. Tyrrel, free ferries, 77, separate elections, 104, public buildings, 165 Wake, county court, when to sit, when to meet at Raleigh, 114 Washington, part of added to Wilkes, 58 Wayne, county line, 59, part of Glasgow added to it, 96. Wilkes, county court, 32, part of Washington added to it, 59, part of it added to Surry, and Iredell, 64 97.

Districts.

Edenton, proceedings of the county courts confirmed, 26, public buildings, 78, Fayetteville, millers, 115. Halifax, proceedings of the county courts confirmed, 26; millers, 115. Morgan, militia erected into a separate division, 147. Wilmington, public buildings, 26, 173, Superior Court, 53. Salisbury, number of jurors sent by each county, 66.

Emancipated Persons.

Charlton; Linney, 27. Clear; Rose Mary, 61; Davis; Grace, Richard, Harriot, Samuel, Rebecca, and Elizabeth, 27. German; Mary, 177. Green; Richard, Dolly and Nathan, 27: Handy; Peggy, 61. Jones; Austin Curtis, 27. Johnson; Elizabeth, 61. Marshall, John, 61. Moore; Andrew, Peter and Juno, *id.* Morris; Richard Prichard, and William Prichard, 27. Philips; James, and Elizabeth 61. Small; Jack 168. Spicer; Absalom, and Rachel, 27. White; John Jasper, 61.

Individuals.

Castello; Thomas, pardoned, 107. Dicken, Lewis empowered to collect taxes, 150. English; James, empowered to build a dam, 107 Fuller's, Samuel, estate released from forfeiture; 62. Garret, Thomas pardoned, 34 Glisson, Daniel empowered to collect taxes, 60 Hall, John, do. 78. Henderson; Richard and others lands vested in, 29. Jones, Benjamin, see dismal swamp road Keyser, John empowered to extend a dam, 180. Lytle, Franck privilege granted to, 160 May, William, to collect taxes, 150. Mull, Peter, *id.* 170 Neal; Thomas *id.* 78. Naylor, John, and Martha, divorced, 170. Rice, Abigail, property secured to, 182 Rice, John, not liable for his wife's future debts, *id.* Richardson, Benjamin, see dismal swamp canal. Robert's; William, executors relieved, 18. Spaight; Richard Dobbs, lands vested in, 96. Ward; Frederick, pardoned, 34. Warrington; John, empowered to keep up a gate, 119. Weir; Robert, empowered to collect taxes, 148. Wood; Ann, William, Joseph and Sarah, legitimated, 172.

Miscellanies.

Cape-Fear lands, (unfenced) penalties for cultivating; mode of proof; slaves killing cattle therein, how punished; owner liable for damages, 16 17. Inspection at Saura-town hill, 79. Fees at Fayetteville ware-house, 18. Navigation of Bogue inlet; commissioners; pilot's fees, 56. Cape-Fear; pilots' power; materals of the light-house sold, 55. Fayetteville library company incorporated, 179.

Names altered and confirmed.

Arnold; James to Cox, 175. Barrot's; John to Flowers, 23; Barrot's; Wright to Legget, *id.* Barrow's, Marcus, Joel, Alpha and Lydia, to Stokes, 175. Bedingfield's; Fanny to Pace, 30. Bell's; George to Alexander, *id.* Borritz's; John and James confirmed, 116. Bryan's; Wyatt, and Penny, to Parish, 62. Burney's; John Green to John Green, *id.* Campbell's; Joshua to Pharoah, 23. Carter's; John, Richard, and Sarah Claiborne, confirmed, 60. Clarke's; Abel, Robert, Kesiah, Lydia, Tabitha and Lucretia, to Taylor, 175 Coaker's, John and Mary, to Armstrong, 61. Cole's, John to Spruill, 116. Davis's; Theresa to Dunbar, 60. Denny's; Brown to William Brown Mebane, 61. Debruitz's; John to Debruitz Montgomery, 175. Foreman; Zachariah to Eborn, 175. Garner; Josiah and Tobias to Holleman, 175. Giles's; John, confirmed, 61. Hampton's; Nathaniel and Job to Pinkam, 23 Haynes's; Nicholas, Mary and Ann to Lloyd, *id.* Hightower's; William to William Hightower Ragsdale, 175. Hosier's; Thomas, to Elliot, 175. Lytle's; Franck, confirmed, 168. Mercer's; Esther, to Upton, 116. Mois; Archelius to Turton, 30. Perry's; Henry to Woods, 175. Rair; Betsy, Suckey, Sally, Harris and William, to Tinker, 61. Randal's; Obadiah to Williams, 175. Redding; Johnson to Sauls 175. Rhodes; William to William Armstead Freshwater, 30. Smith's; James and Nicholas, to Crandal, 28. Whiteside; William to William Franklin Whiteside, 16. Willis's; Ann to Hick's, 30 Woods; and Sterling Nathaniel to Harris, 175. Young's; Edward to Johnston, 30.

RALEIGH. *City of*

Commiſſioners, their power; conſtable; watches; patroles; regulations; ſlaves; intendant of police; warrants; commiſſioners; qualifications; treaſurer; clerk; taxes; liſt of taxable property; encroachment on ſtreets, 157, and following.

RIVERS.

Blount creek, 173. Cape Fear, 38 54 55 99 155. Catawba, 109. Chowan, 58. Croſs creek 22 99, Dan, 56 113. Deep river, 99 177. Haw, 99 177. Little-river, 156. Meherrin, 58. New-river, 24 25 99. Peedee, 98 149, 177. Roanoke. 57 113 148 167. Tar, 102. Trent, 110. Uharee, 156 177 179. Yadkin, 98 149 179.

SEMINARIES OF LEARNING.

At Lumberton, 106 Murfreſborough 178. Onſlow, 25. Raft-Swamp, 106. Tarborough, 105. Wadeſborough, 20. Warrenton 33.

TOWNS.

Alfordſton, erected; commiſſioners; lots; 113; new commiſſioners, 162. Averaſburg, commiſſioners; lots; 35; inſpection, 74. Bath, election of new commiſſioners, 163. Coleraine, eſtabliſhed, 175. Danville erected; commiſſioners; lots, 114. Edenton, fire company, 34 Elizabeth Town, name of Redding altered to, 157. Fayetteville, tax; ſurvey; boats; waggons; magiſtrate of police; fire company, 23, tobacco ware houſe, 39, divided into wards, for the election of commiſſioners, 170, hemp ware-houſe, 172. Germantown, erected, 40, Germantown, Commiſſioners; lots; taxes, 156 new commiſſioner, 58. Greenſville, inſpection, 31. Hairſtonborough, erected; commiſſioners; lots, 114. Halifax, partition fences and paleings, 167. Henderſon, erected; commiſſioners; lots, 179. Hillſborough; time to ſave lots ſhortened, 71. Huntſville, erected, 71. Joneſborough, commiſſioners, lots, 79. Leaſburg, court-houſe in, ſold, 40. Lincolnton regulated, 103. Lumberton. Directors; ſtreets; lots; taxes, 152 153. Morganton regulated, 103. Newbern, ſtreet opened, 161; taxes how levied; no appeals; contagious diſorders. 20. Nixonton, time to ſave lots ſhortened, 70. Redding, eſtabliſhed; ſtreets; lots; commiſſioners, name of it altered to Elizabeth-town, 157. Rockford, new commiſſioners, 148, hazardous chimnies, 64; fairs, 169, Rutherfordton, erected, 76. Saliſbury; taxes; commiſſioners; treaſurer, 165. Smithville, erected; commiſſioners, 73 74 Part of it ceded to the United States, 120. South Waſhington erected; commiſſioners; lots; wharves, 39 40; new commiſſioners, ſtreets, 72. overſeer, ſtreets, 172. Tarborough, commiſſioners; town conſtable, 27; certain lots ſold, 68. Vienna, eſtabliſhed; commiſſioners; lots, 151. Wadeſborough, wooden chimnies not ſuffered, 102. Warrenton, commiſſioners; ſtreets; taxes; piazzas; incloſures; encroachments on lots; unimproved lots; horſes not to be ſtrained in the ſtreets, 100 102. Waſhington, fire company, 63. Williamſborough, time to improve lots, 71. Williamſton, commiſſioners; ſtreets; taxes; clerk; gaol; ſwine, &c. 69. Wilmington, ſick ſeamen, 154; fire company, 34: taxes; billiard and backgammon tables; commiſſioners' court, 71. Magiſtrate of Police; town meetings, 167. Windſor, part of former acts repealed, 67; commiſſioners, 68. Winton, town act amended, 105.

VERMIN.

Act reſpecting it, repealed, 70. other acts paſſed, 64, 181.

ERRATA.

Preface, line 8 *for* conform, *read* conformable.

Page 3 33 on the Sabbath, *read* or on the &c.
4 17 *before* entitled, *add* to an act.
7 39 *after* Congreſs, *add* take.
17 *In the* 2d. *marginal note, for* uncultivated, *read* unfenced.
6 *from below, for* Sheriff to *read* Sheriff of.
18 21 *for* impracticable *read* practicable.
24 39 *dele* and to collect and receive ſubſcriptions for the purpoſe aforeſaid.
28 *In the* 3d *and laſt marginal notes, for* 1792, 19, *read* 1792, 35, 60
31 22 Apachalian, *read* Apalachian.
34 32 *for* all every, *read* all and every.
44 3 *from below, for* of ſtate, *read* of this ſtate.
Page 46 *line* 38 *for* ſigned, *read* ſerved.
57 29 *for* repeal, *read* amend.
68 33 *for* III, *read* VI.
78 10 *for* Joſeph, *read* Joſiah.
101 3 *from below, for* as, *read* of.
104 4 *for* removed, *read* removal.
124 8 *after* battalion, *add* parades, the day preceding or on the day of the regimental and battalion.
131 28 *for* ſtate, *read* diſtrict.
132 *In the fifth note for* Times, *read* Fines.
41 *dele* with.
142 8 *from below, after* removed, *add* or.
164 19 *dele* public.

21 JY 60

PLAN OF THE CITY OF RALEIGH;

(The Seat of Government of the State of NORTH-CAROLINA.)

N. B. *Newbern, Hillſborough, Halifax* and *Fayetteville*-Streets are Ninety-nine Feet wide; the others Sixty-ſix. Each Lot contains one Acre of Land.

NORTH-*Street.*

276 Nath'l. Jones.	275 Ephraim Perſons.	274 John Geddy.	273 Henry Hill.	272 Henry Hill.	271 John Hinton.	270 John Hinton.	269 William Vick.	268 John Williams.	267 John Williams.

Lane-Street.

266 Thomas Blount.	265 J. B. Aſhe.	264 John James.	263	262	261 T. E. Sumner.	260 P. & J. Hawkins.	259 Haac Hicks.	*Halifax-Street.*	258 P & J. Hawkins.	257 W. R. Davie.	256 W. R. Davie.	255	254	253 William Dennis.	252 Warren Alford.	251 Warren Alford.
250 Thomas Blount.	249 J. B. Aſhe.	248 John James.	*Caſwell* SQUARE		245 P. & J. Hawkins.	244 P. & J. Hawkins.	243 William Perkins.		242 Henry Lane.	241 W. R. Davie.	240 W. R. Davie.	BURKE SQUARE.		237 Nathaniel Allen.	236 Stephen Cabarrus.	235 J. Bloodworth.
			247	246								239	238			

Jones-Street.

234 Martin Lane.	233 John Streeter.	232 Thomas Blount.	231 Willie Jones	230 John Macon.	229 Henry Pointer.	228 P & J. Hawkins.	227 T. E. Sumner.	226 John Knight.	225 John Craven.	224 John Craven.	223 John Bryan.	222 John Bryan	221 John Harvey.	220 W. J. Dawſon.	219 John Leigh.	
218 Martin Lane.	217 Etheldred Jones.	216 Samuel Aſhe.	215 Willie Jones.	214 Joſeph M'Dowel	213 Henry Pointer.	212 John Hawkins.	211 T. E. Sumner.	210 J. Williamſon.	209 Poins Ingram.	208 Thomas Blount.	207 Willis Alſton.	206 Willis Alſton.	205 John Harvey.	204 W. J. Dawſon.	203 John Leigh.	

Edenton-Street.

202 T. Bloodworth.	201 Nathaniel Jones.	200 Anthony Walk.	199 Joel Lane.	198 John Taylor.	197 John Taylor.	196 Philemon Hawkins.	195	194	193 J. Martin & George Hagood.	192 Thomas Aſhe.	191 Joſeph Tagert.	190 Robert Donnell.	189 Brom. Ridley.	188 William Vick.	187 D. M'Keathen.	
							UNION SQUARE.									
							State-Houſe.									
							179	178								
186 J. Bloodworth.	185 Tignal Jones.	184 Charles Brigs.	183 Theo. Hunter.	182 John Pons.	181 Joel Lane	180 H. Dillamoth.	516 feet ſquare.		177 Warren Alford.	176 Thomas Aſhe.	175 Benjamin Smith.	174 Alex. Martin.	173 J. Humphries.	172 James Hinton.	201 Frederick Hargett.	

Hillſborough-Street. *Morgan-Street.* *Newbern-Street.*

WEST-*Street.* 170 Willie Jones.	169 Nath'l. Jones.	168 J. Bloodworth.	167 David Ray.	166 Willie Jones.	165 David Stone.	164 Thomas Blount.	163 P. & J. Hawkins.	162 Warren Alford.	161 John Pons.	160 John Dickerſon	159 John Medeacis.	158 John Medeacis.	157 R. Bennahan.	156 R. Bennahan.	155 Willie Jones.	EAST-*Street.*
154 Brick Yard.	153 Nath'l Jones.	152 John James.	151 Samuel Aſhe.	150 James Martin.	149 David Stone.	148 John Haywood.	147 William Sheppard.	146 Theo. Hunter.	145 Wilſhie Poole.	144 John Dickerſon	143 Samuel Hopkins.	142 Samuel Hopkins.	141 R. Bennaham.	140 R. Bennahan.	139 Willie Jones.	

Harrington-Street. *Dawſon-Street.* *M'Dowell-Street.* *Salisbury-Street.* *Wilmington Street.* *Blount-Street.* *Perſon-Street.* *Blodworth-Street.*

Hargett-Street.

138 Brick Yard.	137 J. Bloodworth.	136 Samuel Stokes.	135	134	133 Iſaac Hunter.	132 John Haywood.	131 Nathaniel Jones.	130 Roger Fitch.	129 Thomas Blount.	128 James Mitchell.	127	126	125 John Macon.	124 Aaron Sugg.	123 Willie Jones.	
122 John James.	121 Bloodworth.	120 J. Bloodworth.	NASH SQUARE.		117 John Hannon.	116 John Hannon.	115 John Bryan.	114 George Ellis.	113 Gabriel Holmes.	112 Gabriel Holmes.	MOORE SQUARE.		109 William Walter.	108 William Walton.	107 Willie Jones.	
			119	118							111	110				

Martin-Street.

Hargett-Street.

138 Brick Yard.	137 J. Blood-worth.	136 Samuel Stokes.	135	134	133 Isaac Hunter.	132 John Haywood.	131 Nathaniel Jones.	130 Roger Fitch.	129 Thomas Blount.	128 James Mitchell.	127	126	125 John Macon.	124 Aaron Sugg.	123 Willie Jones.
122 John James.	121 Blood-worth.	120 J. Blood-worth.	NASH	SQUARE.	117 John Hannon.	116 John Hannon.	115 John Bryan.	114 George Ellis.	113 Gabriel Holmes.	112 Gabriel Holmes.	MOORE SQUARE.		109 William Walter.	108 William Walton.	107 Willie Jones.
			119	118							111	110			

Martin-Street.

106 James Hartfield.	105 Willie Jones.	104 Willie Jones.	103 Joel Lane.	102 Joel Lane.	101 Willie Jones.	100 Willie Jones.	99 J. Blood-worth.	*Fayetteville-Street.*	98 Joseph Norcum.	97 William Lane.	96 William Lane.	95 Henry Hill.	94 Henry Hill.	93 Thomas Hins.	92 Thomas Hines.	91 Thomas Hines.
90 James Hartfield.	89 Willie Jones.	88 Willie Jones.	87 Joel Lane.	86 Joel Lane.	85 Willie Jones.	84 Willie Jones.	83 Theo. unter.		82 Theo. Hunter.	81 John Allen.	80 John Allen	79 Henry Hill.	78 Joshua Sugg.	77 Thomas Hines.	76 Thomas Hines.	75 Thomas Hines.

Davie-Street.

74 Elizabeth Seaton.	73 Joseph M'Dowel	72 John Streeter.	71 Thomas Blount.	70 Thomas Blount.	69 Gabriel Mitchell.	68 John Whitaker	67 William Lane.		66 Walter Rand.	65 Drury Pielham.	64 Drury Pielham.	63 William Hinton.	62 William Hinton.	61 Henry Lane.	60 Benjamin Ruffin.	59 John Hamilton.
58 Demsey Blake.	57 Joseph M'Dowell	56 Thomas Blount.	55 M. Muc-kleroy.	54 M. Muc-kleroy.	53 Gabriel Mitchell.	52 Joseph M'Dowell	51 John Lane.		50 Isaac Hunter.	49 John James.	48 John James.	47 William Hinton.	46 William Hinton.	45 Henry Lane.	44 Benjamin Ruffin.	43 John Hamilton.

Cabarrus-Street.

42	41	40	39	38	37	36	35		34	33	32	31	30	29	28	27
26	25	24	23	22	21	20	19		18	17	16	15	14	13	12	11

Lenoir-Street.

			10	9	8	7	6		5	4	3	2	1						

SOUTH-*Street.*